

Brazil: Changing a history of violence

Despite the lack of an officially acknowledged war or internal conflict, Brazil holds the dubious distinction of being the world leader in the number of deaths caused by firearms. Tragically, Brazil is also the country with the highest rate of firearm involvement in homicides - almost 70% of all homicides involve a firearm. With only 2.8% of the world's population, Brazil accounts for 13% of the planet's deaths by firearms. Between 1993 and 2003, an estimated 325,000 Brazilians were killed with guns - one every fifteen minutes.

However, despite these horrific numbers, significant advances have taken place over the last few years: between the years of 2000 and 2005, the state of São Paulo witnessed a 50% drop in intentional homicides. In the first trimester of 2006, São Paulo saw 24% less homicides than the same period in 2005.¹ There were reductions of up to 70% in homicide rates precisely in the most critical areas infamous for high violence and crime rates. In neighborhoods such as Jardim Ângela in the capital (deemed by the UN in 1996 the 'most violent neighborhood in the world') and in the city of Diadema, within the metropolitan area of São Paulo, hundreds of lives have been saved.

The victims: How many, who, where, why, and how?

In 2002 an astonishing 38,000 firearm homicides were registered. Such a massive loss of life surpasses the damage caused by small arms in countries like El Salvador, Colombia and South Africa, which in 2002 accounted for about 36,000 deaths combined. In 2003, 39,800 people were killed with firearms in Brazil. In the state of São Paulo, Brazil's most populous and economically relevant – with over 40 million inhabitants and a third of the country's GDP – almost 10,000 people were murdered with guns in 2003.

Who and Where

Both the victims and their killers are predominantly poor, black, males between 15 and 24 years old. The majority of homicides occur in the *favelas* (slums) and outskirts of Brazil's largest cities, notably Rio de Janeiro and São Paulo, but also others such as Vitória, Recife and Belo Horizonte. According to UNESCO, the homicide rate for blacks in Brazil is 34.8 per 100,000 compared to 20.6 per 100,000 white inhabitants. Rates rise to 68.4 and 39.9 respectively in the 15 to 24 year old bracket.

Why

Brazil has a growing problem with organized crime and drug trafficking. Criminal groups such as Primeiro Comando da Capital (PCC) in São Paulo and Comando Vermelho (CV) and Amigos dos Amigos (ADA) in Rio derive frightening arsenals, some territorial control and massive financial gain from cocaine sales that render Brazil the second largest market for the narcotic in the world. The terrifying attacks unleashed by the PCC in São Paulo in mid-May also prove their success in arms trafficking and penchant for ruthless violence. Disputes among and within these gangs, and between the gangs and security forces, cause a large number of deaths in Brazil daily.

Nonetheless, over half of all homicides in Brazil result from trivial conflicts amongst people who know each other and have no previous criminal record. Many of these originate in situations such as arguments in bars, altercations in traffic or quarrels between intimate partners. Were it not for the widespread availability of firearms, many of these clashes would amount to little more than bruises amid hangovers and regrets – rather than deaths.

How

According to a 2005 study, Brazil has an estimated 17 million firearms in circulation between those in the hands of the State, legal owners, unregistered owners and criminals.² About 90% of these are on civilian hands. Brazil has both tremendous violence rates and a significant small arms industry, producing an estimated 250,000 firearms per year. An estimated 70% of guns apprehended from criminals by the police in Brazil are produced domestically. A very large percentage of these firearms were originally bought legally

but proceeded to be stolen from their lawful owners or diverted from police or military arsenals. In the state of São Paulo, 52% of the firearms apprehended between 2000 and 2003 had originally been purchased and registered legally.³ According to a study based on data from the state of Rio de Janeiro between 1950 and 2003, 80% of seized illegal arms were pistols and revolvers, the vast majority produced by Brazilian gunmakers (Taurus and Rossi).⁴ It is precisely this sort of gun – Brazilian-made, small caliber handguns, 'supplied' to the illegal market after legal sales – that is used in most homicides in Brazil.

Civil society mobilizes to change ineffective gun laws

In 1997, University of São Paulo law students – alarmed with the rapid growth of urban violence – launched the 'Sou da Paz for Disarmament Campaign' aimed at raising awareness of the urgent need for gun control. This was the first civil society initiative in Brazil to address the issue of gun control. The campaign was marked by an aggressive media strategy that spread the message for arms control nationally and by the public destruction of 1,721 voluntarily surrendered firearms at central Praça da Sé in São Paulo. The success of the campaign led to the foundation, in 1999, of Instituto Sou da Paz. In Rio de Janeiro, the NGO Viva Rio spearheaded similar demonstrations, leading civil society towards a greater awareness of the gun control issue.

As a direct effect of these efforts, after 1997 over 60 legislative bills on gun control were introduced in Congress, though many were batted down by members allied with the gun lobby. In 1999, the Ministry of Justice introduced a legislative bill for the ban of firearm sale and possession, an embryonic version of what would become the 'Disarmament Statute'.

Over the next several years Brazilian civil society played an essential role in mobilizing legislators to approve the Disarmament Statute. They provided members of Congress with a steady flow of well-documented research showing that tightening gun laws is an important step for reducing mortality rates. Many marches were held in major cities across Brazil as a demonstration of massive support for gun control laws, ensuring that the opinions of an overwhelming majority of citizens outweighed the financial pressure of the gun lobby.

Disarmament Statute

In December of 2003, despite the momentous efforts of the gun lobby, Brazil's National Congress approved the Disarmament Statute. This new piece of legislation joined a series of gun control measures that had been proposed in the different bills over the years. In addition to several technical measures, the Statute increased the minimum age to purchase a gun from 21 to 25, established mandatory psychological and shooting tests, and prohibited civilians from carrying a gun. Civilians may possess a firearm in their residence (or place of business for business owners) if authorized under the terms of the new law. However, civilians are barred from transporting guns, with exceptions for verified hunters and collectors, who must transport their weapons without ammunition.

Other important provisions of the Statute include:

- The improvement of SINARM, an obligatory national firearms database under the authority of the Federal Police. The database contains information on every gun and gun owner in the country as well as each gun sold and imported
- Seven minimal requirements, including the minimum age, a demonstrated need to purchase a gun, legally demonstrate a lack of criminal priors and the technical and psychological capability to handle a firearm
- Establishes that ammunition can only be sold by legally registered arms dealers and must be identified by bar codes on boxes in order to identify producer and buyer. More importantly, bullets for public security forces must be marked on their base. The legislation also determines the maximum purchase of 50 rounds of ammunition per year per registered gun owner

- Ban on the production, sale and use of replica or fake firearms
- Establishes that the illegal possession of a firearms is a crime without possibility of bail, punishable with two to four years of prison and a fine
- Determines that all weapons produced in Brazil must include a safety and identification mechanism engraved by the producer
- For the first time in any country in South America, defines the trafficking of firearms as a separate and more rigorous crime than simple contraband. It also establishes especially harsh penalties for the trafficking of military or restricted weaponry

The Statute also determined a national referendum for a vote on an outright ban on gun sales for civilians, held on October 23rd, 2005. Establishing the referendum mechanism was a compromise between the pro- and anti-gun camps in order to break the stalemate that threatened the approval of the Statute.

Implementation of the Statute

An especially effective provision of the Disarmament Statute was the weapon buy-back campaign organized by the federal government with the participation of federal, state and municipal police forces, in addition to civil society. From July 2004 to October 2005, about 470,000 guns were voluntarily handed over to the police across Brazil. The owners received US\$30 to US\$100 in compensation for turning over their guns. These efforts marked the second largest gun buy-back in the world. Sou da Paz was directly involved in both designing the campaign and in its implementation throughout the country, helping to organize more than 1,000 collection sites in the state of São Paulo (where more than 110,000 guns were collected). Sou da Paz and Viva Rio were also involved in training and mobilizing civilian Disarmament Committees in 14 states and developing training resources (videos, presentations, instruction manuals) distributed nationwide.

One of the most important and unique precautions taken in the buy-back campaign was the immediate destruction of the guns with a sledgehammer, which increased public trust in the campaign and reduced the risk of weapons falling into the wrong hands. Likewise, all apprehended weapons have to be fully destroyed by competent authorities within 48 hours after a ballistic analysis.

Referendum

Article 35 of the Disarmament Statute established a national referendum to allow a vote on the total ban on the sales of arms and ammunition to civilians in Brazil. The referendum, the first in Brazilian history on any matter, was also the first in the world to put the polemic issue of gun control to a direct vote.

Advocates on both sides began to organize themselves into two groups: the *SIM*, or 'Yes' front – which defended the ban under the slogan '*Por um Brasil sem armas*' ('For a Brazil without guns'), and the *NÃO*, or no vote, calling themselves the front '*Pela Legítima Defesa*' ('For Self Defense'). Both groups – comprised of members of Congress – were given equal airtime on television (a total 6.3 hours each) and radio from October 1st through the 20th. The short campaign was marked by discrepancies in funding, foreign assistance and media treatment. Additionally the unfortunate political scenario also played a role in determining its final outcome.

Funding

While the 'Yes' campaign benefited from modest financial support and many volunteers, the 'No' front managed to run a campaign with hired professionals due to massive contributions by the Brazilian gun industry. The gun lobby denied having funded the campaign until after the vote when their financial involvement was made public. Brazil ranks second to the United States in the hemisphere in small arms production. Over 60% of its US\$100 million revenues (2001) come from exports, mainly to the US.⁵ With

almost threefold the amount of funding of the 'Yes' campaign, the 'No' front received only 2.5% of its financing from sources other than Taurus and CBC.

Foreign assistance

In 2003, the National Rifle Association (NRA) sent its director Charles Cunningham to meet with leaders of Brazil's anti-disarmament lobby in São Paulo and Rio de Janeiro. Here he suggested tactics and strategies to turn the vote in Congress against the Disarmament Statute. Having failed in such overtures, the NRA turned its efforts towards helping the 'No' campaign prior to the referendum. Though denying direct funding, the 'No' campaign clearly translated NRA materials, using statistics and rhetoric that often seemed inappropriate outside of the US but nonetheless made an impact. The 'No' campaign's main argument, convincing Brazilians of an assumed 'right' to bear arms that is guaranteed nowhere in the Constitution, obviously has its root in the NRA's propaganda. The NRA's interest in the referendum was clearly stated by its executive director Chris W. Cox, who claimed Brazil was 'a steppingstone for the global gun-ban lobby to inflict its will on law-abiding gun owners in the United States'.

Media

In the buildup to the referendum, primarily during the 20 days of the media campaign, the Brazilian press mobilized to cover the subject and present specialist and scholar opinions on the subject. Public discussions and debates were carried out in schools, trade unions, associations and community based organizations. Radio stations, TV channels, magazines and newspapers presented stories and reports in an attempt to inform citizens about a subject that was given very little attention up until this point.

The majority of the press opted for unbiased coverage, dealing with all angles of each argument, gathering information from representatives of the two fronts and explaining the differences objectively. However, *Veja*, a primary source of news in Brazil (akin to Time magazine in the United States) with the fourth widest circulation of any weekly magazine in the world, deviated sharply from this norm. In an October 5th article entitled '*Seven reasons to vote No - The ban disarms the population while strengthening criminal's arsenals*', *Veja* fully displayed its tendency to be highly editorial and unprofessional. Even after interviewing countless specialists on the subject – including Instituto Sou da Paz – *Veja* opted to exclude all the arguments defended by the 'Yes' campaign. In contrast, its main weekly competitors – *Época* and *Istoé* – printed articles with victims of violence and specialists on both sides of the debate. *Veja* claimed the referendum was 'dishonest', 'simplistic' and 'deviated attention from real issues'. They even argued that disarmament was typical of totalitarian regimes. As *Veja* is extremely influential in informing public opinion, this careless maneuver certainly influenced an enormous number of voters.

Messages

Throughout the campaign, the 'No' front used the same motto and visual identity, filled with nationalistic symbols and music, and employed popular language that resonated with the public. The advertisements were based on extensive opinion polls and a thorough strategic plan. Conversely, the 'Yes' front hastily counted on certain victory due to polls published just before the campaign that showed a vast majority of Brazilians were in favor of disarmament. However, the No campaign managed not to address the issue of disarmament in their ads. Cleverly, the 'No' campaign opted not to directly defend guns, but rather emphasized that a citizen, by voting for the ban, would lose a fundamental 'right'. Though such a right was never guaranteed in Brazil, the 'No' campaign convinced most of the population of this right, referred to in 70% of their ads, often without a single mention to guns or violence.⁶

The campaign against the ban enticed voters with hypothetical arguments such as: 'you may not want a gun today, but no one can tell what tomorrow may bring' or 'in many cases a gun can be used as an instrument of self-defense, if not for you, for a loved one'. They also exploited Brazil's territorial extension and governmental failures in public security: 'people who live in rural areas need guns, as they can't always count on the police to arrive in time' and 'if the State can't guarantee your security, seek your own protection'.

The Disarmament Statute was never questioned. On the contrary, it was defended by both parties – by the 'Yes' campaign that fought hard to create, approve and implement the Statute, and by the 'No' campaign that praised the Statute for being rigorous enough that an outright ban on gun commerce was unnecessary.

With a light, positive and clean campaign personified by Brazilian celebrities and experts the 'Yes' enthusiasts were depicted as naive idealists who believed they could solve complicated, chronic problems of public security simply by banning gun commerce. Though the 'Yes' front put forth countless solid arguments to justify the ban on gun commerce, it should have chosen one message to focus on and drive into public consciousness. As the 'Yes' campaign began to realize that the voters were migrating quickly to the 'No' vote, it radically changed its tone. In this second phase, the 'Yes' front specifically attacked the Brazilian gun industry for profiting from the deaths it generates. Unfortunately, this decision was made too late in the game.

The Internet was another source of problems concerning the central messages of the campaigns. Though the official websites for each side reproduced the main arguments seen in TV and radio campaigns, the 'Yes' campaign's website was constantly 'hacked' – reportedly with up to 9,000 attacks an hour – and thus forced to go offline often. Moreover, an overwhelming number of 'spam' emails with the central arguments from the 'No' campaign circulated anonymously across the country. These emails normally emulated a letter from a friend using conspiratorial arguments, flawed data and general exploitation of fear. In this sense, the 'No' cyber campaign roundly defeated the 'Yes' campaign, which lacked a specific communication strategy for the Internet.⁷

Political crisis

Compounding these shortcomings, perhaps the main reason for the 'No' victory was Brazilians' dissatisfaction with the countless corruption scandals enveloping the administration of President Luis Inácio Lula da Silva. Precisely when the referendum campaign gained momentum a new series of scandal and corruption was unveiled. Clear evidence of widespread bribery, money laundering, vote buying, and illegal campaign donations among congressional allies and within the governing party (PT or Workers' Party) enraged Brazilians who had deposited immense faith in the country's first working class president. The referendum presented itself as a perfect opportunity to punish a government that campaigned vigorously for the ban on firearms trade and had betrayed the trust of many voters. In addition to the corruption scandals, the vote may have reflected a sense of protest against the federal and State government's inefficiency or negligence in addressing Brazil's enormous public security problem. Mortified by high crime rates, the population used the voting booth to say 'No' to the current government. It was as if the population was sending a message: 'I say No to a corrupt government that cannot ensure my safety'.

The end of the referendum and the continuation of the Disarmament Statute

In the end, the campaign to ban the sale of firearms and ammunition in Brazil suffered a significant loss, as the 'No' vote won with 63.94% of the more than 95 million votes cast.

In relative terms, the 'Yes' vote did better nationally amongst women and the less educated/wealthy. The 'No' vote reached its highest support in the Southern region (79.59%) and the southernmost state of Rio Grande do Sul (86.83%) – interestingly deemed to have the highest living standards in Brazil. The 'Yes' campaign did best in the Northeast (42.49%) and its state of Pernambuco (45.51%). In the city of São Paulo, the 'Yes' option won in only three regions in the south, precisely the most violent in the city.⁸ Likewise, in only one of 39 cities in the São Paulo metropolitan area had a majority 'Yes' vote. This city was Diadema, which prior to public security measures implemented in 1999, won the title of 'homicide capital' of Brazil. Seemingly, those who had most intimately felt the destructive power of firearms desired the ban.

Despite this heartbreaking and somewhat unexpected defeat, all other articles of the Disarmament Statute are still in full force, and have proven instrumental in Brazil's efforts against armed violence. Though in practice

perhaps the Statute has lost some political support, all legal provisions of this very complete and 'cutting edge' piece of legislation have changed the landscape of violence in Brazil.

It is also important to stress that a month after the referendum a national poll showed that 82% of Brazilians didn't want to buy a gun and haven't changed their mind because of the referendum. Also less than a year after the referendum, an international poll conducted in Brazil show that more than 90% of Brazilians support stricter controls on import and export of small arms. These results certainly confirm the fact that Brazilians did not vote for guns or rely on them for self defense

Impact of the Disarmament Statute

The first, and most palpable, impact of the Disarmament Statute was to take 460,000 guns off the streets in the extremely successful gun buy-back campaign. Though few criminals would have given up their weapons, this contingent of guns is no longer available in people's homes waiting to transform a trivial altercation into murder. They also won't be available to be stolen and diverted into the illegal market. The large number of appropriated firearms has apparently already had an impact on their price in the illegal market. According to the director of SINARM in the southern state of Santa Catarina, a 38 caliber revolver – previously traded at 80 *reais* – now costs at least 350 *reais*.⁹ In the outskirts of São Paulo, a 9mm pistol that previously sold in the illegal market for 800 *reais* now reportedly costs 1,300 *reais*.¹⁰

Equally dramatic has been the fall in gun sales across the country because of the new minimum requirements for purchase. The strict restrictions put in place by the Statute, in addition to the steep test and registration fees, have led to 92% decline in the legal commerce of firearms. This has in turn forced many gun stores to go bankrupt. In 2003 – when the Civil Police was still responsible for issuing gun registrations – 7,387 were issued in the state of São Paulo. After the Disarmament Statute, of 2,064 requests for gun possession to the Federal Police, only 16 registrations have been granted.¹¹

Though the Statute's impact on the total number of homicides and medical treatments is tougher to determine with certainty, given the plethora of social, economic and security factors that can serve as inputs to the number, it is apparent that the new legislation had a significant impact. After the Statute took effect in 2004 the Brazilian Ministry of Health released new data that shows that 3,234 less people were killed with firearms than in 2003. This means a decrease of 8.2% in the overall firearm homicide rate – the first drop in 13 years. In absolute numbers, the decline in homicides was especially noteworthy in the state of São Paulo where there were 1,960 less deaths by gunfire than in 2003. Likewise, the number of medical treatments due to firearm wounds decreased. Comparing the first seven months of 2004 with the first seven months of the Disarmament Campaign (gun buy-back program), the Health Ministry noted a 10.5% decrease in Rio de Janeiro and a 7% drop in São Paulo.

The Disarmament Statute and the whole process of raising awareness of the risk associated with the use of guns in Brazil have certainly contributed to save lives and should continue to be implemented and strengthened in every way possible. The thousands of lives saved and the many more to be saved in the future justify all actions and measures we are able to put forth to curb the level of violence in Brazil.

¹ Estado de São Paulo, March 30th, 2006.

² Rubem César Fernandes (coord.), *Brasil: As Armas e as Vítimas*, ISER/Viva Rio, Sete Letras, 2005.

³ *Brasil: As Armas e as Vítimas*

⁴ Antonio Rangel Bandeira and Josephine Bourgois, *Armas de Fogo: Proteção ou Risco?*, Viva Rio, 2005.

⁵ *Brasil: As Armas e as Vítimas*

⁶ Maurício Lissovsky, 'A Campanha na TV e a Desventura do Sim Que Era Não' in *Referendo: Do Sim ao Não*, ISER, 2006.

⁷ Bernardo Sorj, 'Internet, Espaço Público e Marketing Político' in *Referendo: Do Sim ao Não*, ISER, 2006.

⁸ Folha de São Paulo, October 24th, 2005.

⁹ *Armas de Fogo: Proteção ou Risco?*

¹⁰ Estado de São Paulo, October 23rd, 2005.

¹¹ Estado de São Paulo, March 13th, 2006.