



Preventing gun violence against women in the home

Summary

The lethal potential of small arms and light weapons reduce a woman's ability to resist, they reduce her chances of escape and reduce the possibility of help from others, and also reduces chance of surviving an assault.¹

The small arms policies most likely to protect women are those that focus on acquisition and possession in the home. UN member States are encouraged to harmonise their national arms control legislation, with their domestic violence laws.

What is the problem?

Seventy five percent of small arms are in civilian hands and, where women are concerned, violence in the home is as big a problem as 'street crime'. The home is traditionally considered to be a safe haven. Yet this space where women in many societies spend a great deal of their time exposes them to a particularly high risk of death when a gun is present. Most of the research available on what increases the risk of a woman being killed in the home has been conducted in countries of the North.

A 2003 study from the USA shows that having a gun in the home increased the overall risk of someone in the household being murdered by 41%; but for women in particular the risk was nearly tripled.²

Small arms can be diverted from licit to illicit uses – a weapon legally purchased for hunting purposes can be used to kill, threaten or intimidate an intimate partner. Despite the emphasis among law enforcement on illegal small arms and crime, legal firearms are the primary weapons used in domestic homicides in many countries. A gun in the home is much more likely to be used to intimidate or physically injure family members than be used against an outside intruder.

A 2007 survey in Montenegro of 1500 women who sought assistance from a women's shelter, found that 90% were threatened with firearms by their partners.³ A 2001 Canadian study found that when women were shot dead by their husbands, 80% were killed with guns originally bought for legal purposes.⁴

Gun related domestic violence increases during and after conflict. After a conflict officially ends, small arms circulate in the community. Post-conflict stress, combined with a lack of economic prospects, and a reduction in basic services contribute to the dynamics of domestic violence after war.

The widespread absence of links between national laws on arms control and domestic violence is a serious problem. Guns are so deadly in domestic assaults because of the severity of the wounds caused by gunshot. Another reason is that the presence of a firearm, with its threat of lethality, reduces a woman's capacity for resistance. The trauma of being threatened by a

¹ Saltzman, L., PhD, et al., (1992) "Weapon Involvement and Injury Outcomes in Family and Intimate Assaults," *JAMA* 267, no. 22: 3043-3047.

² Wiebe, D.J., (2003) "Homicide and Suicide Risks Associated with Firearms in the Home: A National Case-Control Study", *Annals of Emergency Medicine*, Volume 41, American College of Emergency Physicians.

³ Krkeljic, L., (2007) *Small Arms and Gender-Based Violence in Montenegro – A Research Study*, Podgorica: UNDP.

⁴ Kwing Hung, (2000) *Firearms Statistics (Jurisdictional Tables)*. Canadian Department of Justice. Canada

husband or partner is all the greater when he brandishes a gun and there is a very real danger of being killed.⁵

This was the case when the PoA was agreed in 2001, and it remains the case today.

UN mandates to include domestic violence provisions in small arms laws

In her 2006 report, Professor Barbara Frey, UN Special Rapporteur, Small Arms & Human Rights, examined the use of guns by civilians and concluded that governments have a duty to protect the groups most vulnerable to gun violence, including victims of domestic violence.

Multiple international commitments exist within the UN system that may be used as a basis for gender considerations in the implementation of the PoA. These include, but are not limited to, UN Security Council resolution 1325 on Women, Peace and Security; ECOSOC Gender-Mainstreaming resolutions; the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); and the Beijing Platform for Action.

What does the PoA say?

In 2001 all States made a series of commitments to implement laws to prevent the diversion and illicit use of small arms. Specifically, the PoA commits States:

*To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, **or their diversion to unauthorized recipients.** (II. 2)*

There is increasing recognition that the presence of small arms in the home is often a result of diversion to civilians. Despite the preoccupation with small arms transfers between States, there are more small arms in the possession of civilians worldwide than in the possession of governments and police. Diversion of civilian held small arms also fuels the illicit supply.

In many countries, most small arms recovered in crime appear to have at one time been legally owned by States or by civilians. In countries where legally owned small arms are more readily available, civilian weapons fuel the illegal markets.⁶

Therefore, measures aimed at strengthening control over civilian possession of small arms in order to reduce diversion and misuse are as critical as those aimed at strengthening controls over State to State transfers or imports and exports.

⁵ NSW Bureau of Crime Statistics & Research, Gun and Knife Attacks, Statistical Report No.9, 1973. Wolfenden, H., and Dean, S., (1987) "Gunshot wounds and stabbings: Experience with 124 cases", Australian & New Zealand Journal of Surgery 57, pp19-22. Barlow and Barlow, (1988) "More on the role of weapons in homicidal violence", Med Law 7, 347-358. Sarvevaran and Jayewardene, (1985) "The role of the weapon in the homicide drama," Med Law 4, 315-326. Peterson et al (1985) "Self-inflicted gunshot wounds: Lethality of method versus intent", Am J Psychiatry 142 (2) 228-231.

⁶ Webster, D.W., Vernick, J.S., and Hepburn, L.M., (2001) "Relationship between licensing, registration, and other gun sales laws and the source state of crime guns," Injury Prevention, 7: 184-189.

Progress so far

Domestic violence and firearms laws have been harmonised in Australia, Canada, South Africa, and Trinidad and Tobago, with provisions to separate perpetrators of domestic violence from guns.

In this way, each country's domestic violence laws include references to firearms possession, and firearms legislation refers to domestic violence, such as:

Australia: The 1996 National Firearms Agreement requires the removal of guns from domestic violence offenders. The 1994 Violence Against Women Act states that if a Domestic Violence Order is taken out against a gun owner, the police must confiscate all guns immediately.

Canada: The 1995 Firearms Act requires a licence for possession, and acquisition, with screening and licence renewals every 5 years. Reports of domestic violence automatically trigger a review of a gun owner's licence. Current and previous spouses (past 2 years) will be notified of an individual's intention to acquire a firearm license. Spousal consent is not required for acquisition, however if a spouse has concerns, it will trigger a secondary review of the application. The Criminal Code (1985 revision) defines domestic violence offences, and includes those involving weapons and imitations.

South Africa: The 2004 Firearms Control Act specifies that a gun licence will be refused to anyone with a record of domestic violence. The 1998 Domestic Violence Act includes provisions to seize firearms from offenders.

Trinidad and Tobago: The 2004 Firearms (Amendment) Act places restrictions on domestic violence offenders holding a Firearm User's Licence or a Firearm User's (Employee's) Certificate. Any person convicted of an offence under the Domestic Violence Act (1999) is disqualified from holding a licence for a period of five years from the date of conviction. If a licence holder is convicted of an offence, the licence will be suspended for a period of five years from the conviction date.

IANSA recommendations

- 1) Those States with harmonised laws should include, in their national reports on the implementation of the PoA, details about the impact of laws and strategies that link domestic violence provisions to those of small arms and light weapons:

To make public national laws, regulations and procedures that impact on the prevention, combating and eradicating of the illicit trade in small arms and light weapons in all its aspects and to submit, on a voluntary basis, to relevant regional and international organisations and in accordance with their national practices, information on, inter alia, (a) small arms and light weapons confiscated or destroyed within their jurisdiction; and (b) other relevant information such as illicit trade routes and techniques of acquisition that can contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects. (II. 23)

- 2) States should include the issue of armed domestic violence in education and public awareness programmes as outlined in the PoA. States should plan and implement national campaigns and take the lead from examples such as: The 2003 campaign in the USA involving domestic violence coalitions in all 50 States to help women better understand and enforce their legal rights to have law enforcement disarm their abusers; and, in South Africa, campaigns to inform citizens on how the Domestic Violence Act can be used to request the removal of a gun, and how the Firearms Control Act can be used to remove a gun or have someone declared unfit to possess a firearm.

To promote dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society. (II. 41)

- 3) States should support academics, think tanks and NGOs to undertake rigorous, methodologically sound data collection and social analysis of the impacts of gun related violence in domestic contexts.

States and international and regional organisations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects. (III. 5)

- 4) Those States with harmonised laws should support the development of legislation for interested States:

With a view to facilitating implementation of the Programme of Action, States and international and regional organisations should seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of small arms and light weapons and the collection and exchange of information. (III. 6)

- 5) States must fully meet existing international commitments relating to violence against women, including armed domestic violence.

Multiple international commitments exist within the UN system that place obligations on States to prevent violence against women. Therefore, States should introduce and implement standard practices regarding all domestic violence occurrences, to include inquiries about the presence of firearms and immediate application of measures to remove them where a risk is perceived. These practices include, but are not limited to, the following:

- An individual's history of domestic violence should be considered when dealing with gun licence applications and renewals;
- The police should discreetly consult current and former spouses/partners of an individual's intention to acquire a firearm licence;
- The police should gain written consent from spouse or partner prior to granting a firearm licence;
- Serious consideration should be given to revoking permits and obtaining prohibition orders where there is a threat to safety.

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