

# SMALL ARMS, BIG VIOLATIONS

**Daniel Mack**

- *Why are firearms not among the greatest priorities of the human rights community?* •

## ABSTRACT

*In this article, the author ponders why small arms are underrepresented in the human rights debate. First, he challenges the distinction between war and peace, affirming that the vast majority of people today who die, are injured and otherwise have their rights violated due to violence do so in countries "at peace". In light of this fact, the author critically revisits the predominance of firearms in harm worldwide and the most recent international efforts in this field. Finally, the author takes a look at how Brazilian civil society may further incorporate the discussion of gun violence, arguing that a human rights-based approach to public security might actually foster greater support to the 'grammar' of human rights by the majority of the population.*

## KEYWORDS

Small arms | Brazil | Gun violence | Peace | Security | Guns | Firearms

Firearms are the main vector of violent death and injury worldwide. The preponderance of small arms in the armed violence “epidemic” – over a half million killed annually – is considerable but not uniform across regions.<sup>1</sup> The World Health Organization considers over 10 homicides per 100,000 inhabitants an epidemic level of violence – the average global rate has remained beneath that threshold, most recently at 6.2; in over 30 countries (almost all in Europe and Asia) the rate is less than 1.<sup>2</sup> Yet, in regions such as the Americas (16.3) and Africa (12.5), rates are well above epidemic levels, constituting an ongoing public health and human rights disaster.

Under a closer lens, the picture becomes downright terrifying. Central America and Southern Africa lead at over 25 homicides per 100,000, with South America, Central Africa and the Caribbean not far behind.<sup>3</sup> In recent years, Honduras and El Salvador have exchanged the morbid title of earth’s most violent country. Within nations, large conurbations (such as San Pedro Sula, Acapulco, Maceió, San Salvador, Tegucigalpa or Caracas) often have homicide rates more than ten-fold the epidemic threshold.<sup>4</sup>

In the Americas, two-thirds of all homicides occur with firearms, and the availability of illegal guns may be driving rising homicide rates in Central America and the Caribbean - the only world sub-regions experiencing increases.<sup>5</sup> Globally, firearms were used in slightly less than half of all violent deaths for the period of 2007 to 2012, for an annual average of almost 200,000.<sup>6</sup>

While armed violence is highly concentrated geographically – the 18 countries with the highest rates account for 4% of the world’s population but 24% of all violent deaths<sup>7</sup> – firearms (mostly handguns) are a major part of the story everywhere. Even in regions where armed violence is a small problem (such as much of Western Europe), guns constitute a significant vector of harm. Wherever armed violence ravishes communities and kills scores of people, in conflict or countries “at peace”, firearms are often protagonists. “Legal intervention killings” (or “death by police”) which in many societies constitute a major form of violation of human rights, are often committed with guns.

In fact, firearms are overwhelmingly involved in violence at large – not only in homicides. Guns are more plentiful and impactful than all other types of conventional weapons (bombs, mines) within the concept of “armed violence”.<sup>8</sup> Including firearm suicides and accidents under the rubric of “armed violence” would further consolidate the disproportional role played particularly by handguns in the broader “epidemic”. Data on violence does not include the massive numbers of gun suicides – for conceptual and methodological reasons – but from the perspective of a threat to the right life, these cannot be ignored; in the US, for example, more people kill themselves with guns than are killed by others.<sup>9</sup>

In the case of non-lethal incidents and psychological effects (fear, threats), guns are also the main tools of injury and intimidation. Though precise numbers are elusive, and psychological effects are often ignored, non-lethal and non-physical harm are a major component of the epidemic. As many as 7 million people around the world over the last

decade could be living with firearm injuries in settings outside of armed conflicts.<sup>10</sup> In the US, estimates point to three to six non-lethal victims per fatality.<sup>11</sup> Injuries, moreover, often mask so-called “slow homicides”, recorded as *causa mortis* such as infection, but caused by gun violence months or years earlier.<sup>12</sup>

Psychological effects are likewise grim, under-reported and widespread. In the case of São Paulo, although homicides have fallen over 70% in the last decade – a precipitous drop sometimes referred to as the “São Paulo miracle”<sup>13</sup> – polls suggest that the vast majority of people think “violence” has increased – armed robbery being a major culprit. According to a recent victimisation poll, more than half of all Brazilians are “very afraid” of being killed, and almost a third believes they could be murdered within 12 months.<sup>14</sup>

These effects cannot be ignored, as “guns do not need to be fired to be effective. The carrying of a gun often symbolises its use, or substitutes for its use far more effectively than does actual use, provided the willingness of the user to actually fire the weapon has been established.”<sup>15</sup> In the psyche of Brazilians, and throughout the Americas, this willingness is firmly established through personal experience or ubiquitous media coverage of violent crime.

Among the simplest technologies developed by humans to harm other humans, guns kill, maim and violate more rights on a daily basis worldwide than much more sophisticated, expensive and attended-to weapons: “about 60% of human rights violations documented by Amnesty International have involved the use of small arms and light weapons.”<sup>16</sup> And even if an epidemic of clichés also surrounds small arms – the most famous (“the real weapons of mass destruction”), was penned by Kofi Annan<sup>17</sup> – to the chagrin of human security advocates the international community has yet to wage a proportional response to their harm.<sup>18</sup>

## 1 • “War in peace”<sup>19</sup>

Why are small arms not among the greatest priorities of the international community? Why has firearm control not emerged as a major human rights theme? Prejudice against “merely operational” aspects (weapons are only tools) may be partially responsible. But there is more at play. Donors are often shy when it comes to funding organisations and projects that aim to decrease firearm violence, which is seen as too politically charged. US-based funders, particularly, seem resistant to engage in fear of controversy around the tense domestic debate on firearms. Several European governments, which have poured funds into other arms control initiatives, operate with too much deference to a notion of “non-intervention” into an area that entails direct advocacy and often ignites political storms. Some are perhaps mindful that they are major producers and exporters of small arms and certain choices are bad for business.

Another reason for the relative inattention to small arms may stem from the distinction between war and peace. To be blunt, blood in battle generally receives more attention –

from media, public opinion, policy makers, donors, celebrities – than blood on the streets of slums and inner-cities. Of course, armed conflict cannot be minimised, displaying the worst in humanity - mass atrocities and the utter destruction of communities or even entire countries. Today, explosive weapons and other conventional arms wreak terrible havoc in internal conflicts and terrorist attacks as far apart as Syria, Libya, Ukraine, Iraq, Afghanistan, South Sudan and Pakistan.

Precisely because of the overwhelming horror of war, the attention, instruments and concepts developed to intervene in this sort of armed violence are relatively robust and mature - albeit clearly insufficient. In the UN's involvement alone (institutional, military and conceptual) in issues of international security (think Security Council mandate, blue helmets and the "responsibility to protect"), there are many examples of the primacy of attention to conflict violence over criminal and inter-personal violence.

Perhaps the most important distinction, the development and operationalisation of International Humanitarian Law (IHL) has provided the conceptual and legal framework for most efforts to curtail violence in conflict. In terms of limiting the effects of weaponry, the lens of "war" – and civil society's adroit use of it – has informed the major efforts in arms control over the last two decades. The notion of "indiscriminate effects" and "unnecessary suffering" underpinned efforts to ban anti-personal landmines (1997) and cluster bombs (2008). Banning weapons that cause "unacceptable harm" matters not only for the protection of civilians in conflict, but to prevent their unintentional use or diversion to terrorists.

Nonetheless, despite the (hopefully short-term) increase caused by the gruesome conflict in Syria, less than 14% of armed violence deaths worldwide from 2007 to 2012 were direct conflict deaths, up from 10% that occurred in an armed conflict or terrorist attack between 2004 and 2009.<sup>20</sup> The number of homicides in Brazil in 2013 (over 56,000) was greater than the number of conflict deaths *worldwide* for every year between 2004 and 2009!<sup>21</sup> The fact remains that the vast majority of people today who die, are injured and otherwise have their rights violated due to violence do so in countries "at peace". This glaring fact somehow remains difficult to compute for many, still operating in the conceptually neat but artificial dichotomy of war *or* peace.

Small arms are a big part of war, heavily responsible for lethality in the aforementioned conflicts, as well as in many others in Africa, where the AK-47 has probably accounted for more loss of life than any other type of weapon in history. While the exact proportion of deaths vis-à-vis other weapons is uncertain, cases assessed in one study showed that firearms caused "between 20-55 percent of casualties (deaths and injuries) in the majority of cases examined" – with a wide range reaching its apex in the Republic of Congo, where firearms accounted for 93 percent of casualties.<sup>22</sup> Another source estimates that around a third of direct conflict deaths globally between 2007 and 2012 occurred with a firearm.<sup>23</sup>

Moreover, there is reason to believe – given past trends and forecasts for coming decades – that violent deaths in countries not involved in a conflict will become an even larger parcel of armed violence. Both the number of wars and of conflict deaths have decreased; “war” is less often a military contest between nation-states, but rather an internal conflict.<sup>24</sup> Indeed, civil war “has been the most prevalent form of warfare since the end of the 1950s” and was “responsible for the overwhelming majority of direct war casualties since the 1980s: between 1990 and 2002, civil conflict accounted for over 90 percent of battle deaths.”<sup>25</sup>

But civil war’s prevalence is expected to decrease, and the decrease may intensify. One study forecasts “a continued decline in the proportion of the world’s countries that have internal armed conflict, from about 15% in 2009 to 7% in 2050.”<sup>26</sup> In other words, it is likely that city streets – not battlefields – become an even greater locus of intentional deaths over the coming decades.

## 2 • Guns and the “human rights industry”

In addition to the above, the “human rights conglomerate”, both within the framework of the UN and transnational civil society, is also responsible for small arms’ relative invisibility – and might want to re-assess its underwhelming engagement. To be sure, many multilateral agencies and civil society organisations have dedicated important efforts and resources to the “arms control” arena broadly – think of the seminal and spearheading roles of Amnesty International during the process that culminated in the Arms Trade Treaty, or of Human Rights Watch (and for that matter, UNDP) on the road towards the Convention on Cluster Munitions.<sup>27</sup>

Nonetheless, most “traditional” human rights organisations – including those with a more regional or national purview – have dedicated less attention to issues of armed violence and, particularly, small arms as the “tools of human rights violations” *par excellence*.<sup>28</sup> The standout exception was the successful negotiation of the ATT, an important step forward in terms of connecting international transfers of small arms (included in the Treaty’s scope) and IHRL.

Human rights violations perpetrated or facilitated by arms are not more important when the weapons have been internationally transferred or banned by a UN instrument. A plethora of human rights violations are caused by the misuse of firearms in times of peace regardless of their origin – in Brazil, for instance, over 80% of guns apprehended in crimes were made domestically, and most never crossed an international border.<sup>29</sup>

While the traditional IHL prism is ill-fitting for armed violence in its most common manifestation (urban gun violence in countries nominally at peace), what are the future prospects of further applying IHRL to small arms use by state agents, or to reduce firearm violence between civilians? Many avenues are available to reignite the connection between human rights and gun violence. Some of these have reportedly been recently considered within leading human rights NGOs, but not quite broken through into multi-year strategies and advocacy priorities.

Within the UN, options abound. For example, “mainstreaming” armed violence into UN General Assembly committees other than the First (“Disarmament and International Security”), particularly the Third Committee (“Social, Humanitarian and Cultural Affairs”), which covers “agenda items relating to a range of social, humanitarian affairs and human rights issues that affect people all over the world.”<sup>30</sup> Such actions could help break down some of the separate “silos” that issues of grave international concern are often (uncomfortably) placed into.

A particularly relevant new frontier would be proper deliberation of small arms and armed violence within the purview of the UN Human Right Council in Geneva, as well as its Universal Periodic Reviews (“UPR”). Strikingly, Brazil’s UPR for 2012, only as an illustration, has barely any mention of gun violence, even under sections regarding the commitments to the “right to life, liberty and security of the person” or recommendations concerning “promoting public security and combating violence.”<sup>31</sup> Rather, the reports duly cover successes and challenges regarding homicides by police, in prisons, specifically against women and minorities, but not much regarding broader and perhaps the most systematic violations of the human rights of the majority of the population – considering the 40,000 gun violence deaths per year, and unknown levels of injuries and violent robberies undermining any attempt of achieving “freedom from fear.”<sup>32</sup> Even the summary from civil society “stakeholders” pays close to no attention to this facet of human rights. Could UPRs not be required to present and disaggregate the incidence and dynamics of armed violence in each reviewed country? If not always by the country government itself, certainly civil society stakeholders and UN “troikas” could become more systematic about including this information.

In this regard, a most promising step forward is currently underway, put in place by HRC resolution 29/10 (July 2015) on human rights and firearms.<sup>33</sup> The resolution will culminate in a report from the UN High Commissioner for Human Rights on

*the different ways in which civilian acquisition, possession and use of firearms have been effectively regulated, with a view to assessing the contribution of such regulation to the protection of human rights, in particular the right to life and security of person, and to identify best practices that may guide States to further develop relevant national regulation if they so deem it necessary.*<sup>34</sup>

As a next step, roughly a decade later, perhaps the UN Human Rights Council could nominate another “United Nations Special Rapporteur on the Prevention of Human Rights Violations Committed with Small Arms and Lights Weapons”?

Seminally, this perspective was taken up by the UN during the mandate of the UN Special Rapporteur Barbara Frey (2002-2006), resulting in a groundbreaking report.<sup>35</sup> This 2006 document highlighted that small arms are the “tools used to violate human rights” on a variety of levels: the right to life; security of person; freedom of assembly, association,

movement; free speech; right to education; right to health care, among others.<sup>36</sup> In fact, “because they are portable and highly lethal, small arms have the power to transform a basic violation of human rights into a profound one.”<sup>37</sup> As such, Frey notes that under IHRL “the state can be held responsible for violations committed with small arms by private persons in two situations: when the armed individuals are operating under color of state authority; and when the state fails to act with due diligence to protect human rights.”<sup>38</sup> In other words, national governments can be held legally responsible for human rights violations with small arms not only for commission but also omission.

Certainly, the first case is an area ripe for improvement, particularly in countries like Brazil, given the misuse of firearms by law enforcement. Despite international standards and operating protocols for the use of force,<sup>39</sup> police lethality in many societies is well beyond acceptable. For example, Brazilian (military) police is estimated to kill an average five people every day (a total of 1,890 people in 2012, 351 of those in São Paulo – about 20% of all homicides in the city).<sup>40</sup> As in many countries, the most central aspect of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials has not been thoroughly implemented into national law.<sup>41</sup>

Could civil society do more to constrain the misuse of firearms by state forces through strategic deployment of IHRL? What is more, could citizens suffering from high levels of gun violence have legal recourse to press their countries to tackle the issue even if the domestic paths for better legislation and public policies appear blocked? These are sincere and open questions that international law and human rights experts like Amnesty International, Conectas and Human Rights Watch could respond.

To meet a “due diligence standard regarding the regulation of the ownership and use of small arms”, according to Frey’s report,

*adequate guidelines must include the following State actions with regard to small arms: licensing to prevent possession of arms by persons who are at risk of misusing them, requiring safe storage of small arms, requiring tracking information by manufacturers, investigating and prosecuting those who misuse small arms, and offering periodic amnesties to remove unwanted small arms from circulation.*<sup>42</sup>

How many countries in the world currently fail these standards – and can human rights advocates pressure them to address their failure by using this framework? Moreover, has civil society done all it can on the report’s main recommendation regarding the “misuse” of small arms in “peace”? Specifically, “the human rights community could make a very useful contribution to the international discussion on small arms by drafting model human rights principles on State responsibility for preventing and investigating human rights violations caused by armed individuals and groups”<sup>43</sup> – has this been achieved?

Human rights advocates and organisations can do more, better integrating gun violence into human rights frameworks and fora, conceptually “extending” IHRL to tackle urban violence, supporting efforts on national gun control public policies and laws, attempting to reduce levels of firearms production and stockpiles, and tackling cultural issues of demand for guns among youth. All should be part of the toolbox for civil society concerned with protecting human rights.

### 3 • Can increased focus on gun violence bolster the grammar of human rights in Brazil?

Not all action should occur internationally, nor be led by UN agencies and organisations based in the “North”; on the contrary, I have argued that most efforts and resources to tackle the violations of rights at the end of a barrel should be spent nationally by those closer and more cognisant of the communities under threat.<sup>44</sup> And the threat is real and constant: an estimated 70% of Brazil’s globe-topping annual homicides are committed with firearms.<sup>45</sup> These numbers do not cover those injured, nor those who have not been directly harmed but nonetheless live in a constant state of fear, with all the limitations that entails to the fulfillment of their basic rights, such as education, opinion/expression, culture, movement and assembly/affiliation.

Human rights advocates should gain fluency in the characteristics of weapons used in violence. In São Paulo, 61% of all homicides committed in the city in 2012 and first half of 2013 were committed with a gun.<sup>46</sup> Research that covered every weapon apprehended by the police in 2011 and 2012 (over 14,000 firearms) showed that a vast majority of the firearms used in violent crime were handguns, relatively low-tech, made in Brazil, and often fairly old. Almost 60% of all weapons were revolvers, 32% were pistols; 78% were produced in Brazil (almost entirely by the company Taurus) and 14% were produced before 1980, including 2% produced in the 1950s – only 10% were “new” (produced since 2010). Within the universe of weapons connected to homicides, almost 97% were handguns (revolvers and pistols).<sup>47</sup> Another study determined that the prevalence of firearms in circulation was strongly and positively correlated with higher rates of homicide, estimating that for every 18 guns taken off the streets of São Paulo, one life was saved.<sup>48</sup>

These details are essential because, quite simply, security is a fundamental and unfulfilled human right for Brazilians – and many others across the “Global South” – and most often this right is violated at gunpoint. As such, “traditional” human rights NGOs working both domestically and locally should increase their efforts on reducing gun violence. Of course, given specialisation, limited funding, diverse interests and political priorities, no organisation can work on all human rights for all Brazilians. Themes, populations or regions are rightfully focused on in order to attempt to influence public policy and practice in a given cross-section of such an enormous country – larger than the continental US and with a population similar to France, Germany and the United Kingdom combined.



The human rights situation of many historically disadvantaged groups remains dire in Brazil, whether the indigenous population, persons with disabilities, the urban destitute, or the LGBTI community. Slavery has not yet been fully eradicated, and access to education, water/sanitation, or cultural rights is patchy at best. Even groups that are not a minority, such as women and blacks, have their rights systematically threatened or violated. There is plenty of work to go around, and great efforts must be expended in any given sub-theme of human rights work in Brazil. These somewhat unavoidable silos, in turn, lead many Brazilians to question *who* benefits from efforts to defend and promote said human rights – as if in a zero-sum game rather than one in which any improvement ameliorates the country as a whole.

In Brazil, still a socially conservative country at heart, this arcane mentality has been particularly prevalent in issues of law and order or “public security”, the rubric under which all issues of criminality and violence are placed. As a society which favours repression over prevention and mediation to reduce violence, in Brazil the human rights agenda has been ridiculed, perceived as being concerned with criminals at the expense of the “*cidadãos de bem*” (good citizens – as if life could comport such simplistic dichotomies). This view is perhaps best encapsulated in two infamous, but prevalent, sayings: “*direitos humanos para humanos direitos*” (‘human rights for proper humans’) and “*bandido bom é bandido morto*” (‘a good criminal is a dead criminal’). Such a mentality, mind-bogglingly widespread – a recent poll found that 50% of those interviewed agreed with the latter<sup>49</sup> – remains a momentous obstacle for those working on the intersection of human rights and security in Brazil.

Of course, to protect minorities, the oppressed, the vulnerable and the underprivileged is the *raison d’être* of human rights work, and these efforts must be prioritised, supported and funded in Brazil, as they are far from consolidated. Nevertheless, there are large swaths of the rights of Brazilians that tend to be violated systematically, on a daily basis, without many defenders.<sup>50</sup> Rather than an either/or proposition, these facets are complementary and part and parcel of the very dynamics that cause much of the violence in Brazil – whether by criminals, common citizens, or the state.

With due care not to dismiss other essential efforts, nor to replicate unfortunate right-wing mantras about “good citizens”, in Brazil the right to security, safety and freedom from fear is sometimes relegated to a lesser priority within the traditional view of defending human rights. This, in turn, often reinforces the untenable *status quo*, pigeonholing the grammar of human rights into a sometimes unpopular view while, in reality, it must be moved into a perception of a universal, positive good. No joke: in Brazil many are *against* human rights given how tainted the concept has become.

It may come as no surprise that so-called “public security” is the area with least normative evolution since the military dictatorship. In current efforts to combat violence under a democracy, the state and civil society in Brazil were left with the burden of the ineffective and inhumane tools of a dictatorship. Arguably a concession to keep some power in the military sphere, the nefarious legacy was upheld and consolidated by Brazil’s 1988 Constitution.<sup>51</sup> Article

144 of the Constitution maintains two police forces: Civil to investigate crimes, and Military for street policing and the “preservation of public order”. The emphasis is not fundamental rights; if in perceived contradiction, protection of the state or public order takes precedence over the safety of the citizen. Thus, when uniformed police on the streets – under strict military hierarchy, training, methods and, increasingly, equipment – perceive a threat to those instances, they feel justified to use violent means against the basic rights of their fellow citizens.

With these obsolete parameters, and the practices they perpetuate, basic rights are abused on a daily basis in Brazil. Those in *favelas* fear death by police brutality or drug traffickers (and ubiquitous *balas perdidas* or “lost bullets”), while upper classes fear losing their material possessions to criminals. But most Brazilians fear life could end any minute. As stated in Article 3 of the Universal Declaration of Human Rights, “everyone has the right to life, liberty and security of person”.

In decidedly overly simplistic terms, while those oppressed by the state (prisoners, victims of police violence, slum-dwellers bereft of basic services) are (thinly and nominally) protected by the concept of human rights and its heroic defenders in Brazil, others, oppressed by systemic gun violence – whether by state commission, omission, ineffectiveness or utter abandon – perceive they are not afforded such shield. Therefore, one can argue that, in the Brazilian context efforts to decrease armed violence levels (particularly homicides and threats to psychological health posed by robberies) are essential to fulfill the basic human rights of millions– and could in turn offer hope of bringing those millions into being conversant and accepting of human rights grammar.<sup>52</sup>

The priorities for human rights efforts in Brazil will by definition not be the same as those in different points of their political and socio-economic evolution. It cannot be expected, therefore, for the frameworks around efforts to protect human rights – whether conceptual, rhetorical, political, or operational – to always perfectly emulate international priorities; a cookie cutter interpretation of “classic” human rights may present an uneasy fit. Human rights are universal, but how they are threatened, the way to achieve them, and the semantics deployed to do so, differ drastically.

Therefore, for the case of Brazil, perhaps it is time to rethink some assumptions and conceptual frameworks, rendering them – or alternatives – better suited to the realities on the ground where most people are being killed, injured and terrorized?

A broad spectrum of efforts to guarantee security – including diminishing risk factors (alcohol and drug abuse, poverty/economic inequality, lack of reconciliation skills); prevention efforts with youth; and changes to institutional environments (police reform, a criminal justice reform that tackles mass incarceration and the failed “war on drugs”) are essential components of human rights work in Brazil. Likewise, advocating for better control of the “tools of human rights violations” should become a priority. On the way, focus on gun violence may assist in rescuing the universal grammar of human rights from the distorted and unpopular corner it currently finds itself in Brazil, providing a semantic and political bridge between those who currently defend and denigrate human rights.

## NOTES

- 1 • Geneva Declaration Secretariat, *Global Burden of Armed Violence 2015: Every body counts* (Cambridge: Cambridge University Press, May 2015), accessed October 7, 2015, <http://www.genevadeclaration.org/en/measurability/global-burden-of-armed-violence/gbav-2015/executive-summary.html>. Small arms are individual, portable weapons, such as revolvers, pistols, rifles, assault rifles and light machine guns. While often grouped with light weapons (heavy machine guns, grenade launchers, portable anti-aircraft, anti-tank weapons such as MANPADS) under the rubric of SALW, the categories are quite distinct in production, regulation, use, and proliferation.
- 2 • United Nations Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013. Trends, Context, Data* (Vienna: UNODC, 2014), accessed October 7, 2015, [https://www.unodc.org/documents/data-and-analysis/statistics/GSH2013/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/statistics/GSH2013/2014_GLOBAL_HOMICIDE_BOOK_web.pdf). "Almost three billion people live in an expanding group of countries with relatively low homicide rates, many of which, particularly in Europe and Oceania, have continued to experience a decrease in their homicide rates since 1990. At the opposite end of the scale, almost 750 million people live in countries with high homicide levels, meaning that almost half of all homicides occur in countries that make up just 11 per cent of the global population and that personal security is still a major concern for more than 1 in 10 people on the planet".
- 3 • UNODC, *Global Study*.
- 4 • José Antonio Ortega Sánchez, "For the fourth consecutive year, San Pedro Sula is the most violent city in the world," *Seguridad, Justicia y Paz*, January 19, 2015, accessed October 7, 2015, <http://www.seguridadjusticiaypaz.org.mx/biblioteca/analisis-estadistico/send/5-analisis-estadistico/199-the-50-most-violent-cities-in-the-world-2014>.
- 5 • UNODC, *Global Study*; Geneva Declaration Secretariat, *Global Burden*.
- 6 • According to the *Global Burden of Armed Violence 2015* (Geneva Declaration Secretariat, *Global Burden*), firearms were used in 44.1 per cent of all violent deaths, for an annual average of 197,000 deaths for the period 2007–12.
- 7 • Ibid.
- 8 • Attention to the precise rubric or semantics of a given statistic is essential, as often terms that are mistakenly used as interchangeable (violence, armed violence, gun violence, criminal violence, violent deaths, homicides, etc.) mask important differences in methodologies and definitions.
- 9 • See Matthew Miller and David Hemenway, "Guns and Suicide in the United States," *New England Journal of Medicine* 359 (September 4, 2008): 989–91, accessed October 7, 2015, <http://www.nejm.org/doi/full/10.1056/NEJMp0805923>; Madeline Drexler, "Guns & Suicide: The Hidden Toll," *Harvard School of Public Health*, 2014, accessed October 7, 2015, <http://www.hsph.harvard.edu/news/magazine/guns-suicide-the-hidden-toll/>.
- 10 • Graduate Institute of International and Development Studies, *Small Arms Survey 2013: Everyday Dangers* (Geneva: 2013), accessed October 7, 2015, <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2013.html>.
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- 12 • Cate Buchanan, ed., *Gun Violence, Disability*

*and Recovery* (Sydney: Surviving Gun Violence Project, 2014).

13 • Melina Risso, "Intentional Homicides in São Paulo City: A New Perspective," *Stability: International Journal of Security and Development* 3, no.1 (May 13, 2014), accessed October 7, 2015, <http://www.stabilityjournal.org/article/view/sta.do/210>.

14 • Ministério da Justiça, Senasp, PNUD, *Pesquisa Nacional de Vitimização* (Brasília: Datafolha/Senasp/Crisp, 2013).

15 • Michael Ashkenazi, "What Do the Natives Know: Societal Mechanisms for Controlling Small Arms" in *Small Arms, Crime and Conflict: Global Governance and the Threat of Armed Violence*, ed. Owen Greene and Nicholas Marsh (London: Routledge, 2011), 242.

16 • Amnesty International, *Killer Facts: the impact of the irresponsible arms trade on lives, rights and livelihoods* (London: May 2010), accessed October 7, 2015, [https://www.amnesty.org.uk/sites/default/files/killer\\_facts\\_-\\_the\\_impact\\_of\\_the\\_irresponsible\\_arms\\_trade\\_on\\_lives\\_rights\\_and\\_livelihoods\\_0.pdf](https://www.amnesty.org.uk/sites/default/files/killer_facts_-_the_impact_of_the_irresponsible_arms_trade_on_lives_rights_and_livelihoods_0.pdf).

17 • Kofi Annan, *We the Peoples* (New York: UN Secretary-General, 2000), 52, accessed October 7, 2015, [http://www.un.org/en/events/pastevents/pdfs/We\\_The\\_Peoples.pdf](http://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf).

18 • International efforts such as the UN Programme on Small Arms and Light Weapons (United Nations, Programme of Action Implementation Support System: POA-ISS, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. 2001, accessed October 7, 2015, <http://www.poa-iss.org/poa/poahtml.aspx>), and the UNODC Firearms Protocol ((United Nations, General Assembly, *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime*, A/RES/55/255, 8 June 2001, accessed October 7, 2015, [\[www.unodc.org/pdf/crime/a\\\_res\\\_55/255e.pdf\]\(http://www.unodc.org/pdf/crime/a\_res\_55/255e.pdf\) \) are noteworthy, though underwhelming in their scope and verifiable results. For one perspective, Daniel Mack and Guy Lamb, "Firing Blanks: The Growing Irrelevance of the UN Small Arms Process", \*IPI International Peace Institute\*, August 21, 2014, accessed October 7, 2015, <http://theglobalobservatory.org/2014/08/firing-blanks-growing-irrelevance-un-small-arms-process>. Another UN-led effort, the International Small Arms Control Standards \(ISACS, <http://www.smallarmsstandards.org>\) will likely prove more impactful, though by design any reforms will come at the national level.](http://</a></p>
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19 • Parts of this section and the next have been adapted from an earlier publication, "Instituto Sou da Paz, *What Next? Thoughts for Global Civil Society Working on Arms Control and Armed Violence Reduction* (São Paulo: Instituto Sou da Paz, 2014), accessed October 7, 2015, [http://www.soudapaz.org/uplcd/pdf/whatnext\\_2014.pdf](http://www.soudapaz.org/uplcd/pdf/whatnext_2014.pdf).

20 • Geneva Declaration Secretariat, *Global Burden*.

21 • Julio Jacobo Waiselfisz, *Mapa da Violência: Mortes Matadas por Arma de Fogo* (Brasília: Unesco, 2015, accessed November 3, 2015, <http://www.mapadaviolencia.org.br/pdf2015/mapaViolencia2015.pdf>; Geneva Declaration Secretariat, *Global Burden*.

22 • Owen Greene and Nicholas Marsh, eds., *Small Arms, Crime and Conflict: Global Governance and the Threat of Armed Violence* (London: Routledge, 2011), 51, accessed October 7, 2015, <https://www.routledge.com/products/9780415567008>.

23 • Geneva Declaration Secretariat, *Global Burden*.

24 • Nicholas Marsh, "Ambition and activism on the arms trade", *World Peace Foundation*, July 1, 2013, accessed October 7, 2015, <http://sites.tufts.edu/reinventingpeace/2013/07/01/ambition-and-activism-on-the-arms-trade/>.

25 • Greene and Marsh, *Small Arms*.

26 • Havard Hegre et al., "Predicting Armed Conflict, 2010- 2050". *International Studies Quarterly* 55, no. 2 (2011): 1–21, accessed

October 7, 2015, [http://folk.uio.no/hahegre/Papers/PredictionISQ\\_Final.pdf](http://folk.uio.no/hahegre/Papers/PredictionISQ_Final.pdf).

27 • One could suggest human rights organizations have given greater attention to IHL than to International Human Rights Law (IHRL) or national legislation to protect human rights in this arena, even if in reality they are complementary, overlapping and mutually-reinforcing.

28 • As penned by Amnesty International.

29 • Brasil, Câmara de Deputados, “CPI do Tráfico de Armas aprova relatório final,” *Câmara Notícias*, Brasília, 2006, accessed October 7, 2015, <http://www2.camara.leg.br/camaranoticias/noticias/95789.html>. For the case of São Paulo, see Instituto Sou da Paz, *De onde vêm as armas do crime? Análise do universo de armas apreendidas em 2011 e 2012 em São Paulo* (São Paulo: dez. 2013), accessed October 7, 2015, [http://www.soudapaz.org/upload/pdf/relatorio\\_20\\_01\\_2014\\_alterado\\_isbn.pdf](http://www.soudapaz.org/upload/pdf/relatorio_20_01_2014_alterado_isbn.pdf).

30 • <http://www.un.org/en/ga/third/index.shtml>.

31 • UN Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, 7 March 2012, A/HRC/WG.6/13/BRA/1, accessed October 7, 2015, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/116/18/PDF/G1211618.pdf?OpenElement>; Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21, 22 March 2012, A/HRC/WG.6/13/BRA/2, accessed October 7, 2015, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/124/65/PDF/G1212465.pdf?OpenElement>.

32 • Universal Declaration of Human Rights, preamble: “the advent of a world in which human beings shall enjoy [...] freedom from fear and want has been proclaimed as the highest aspiration of the common people”.

33 • UN Human Rights Council, *Human rights and the regulation of civilian acquisition, possession and use of firearms*, 29 July 2015, A/HRC/29/L.18, accessed October 7, 2015, <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/ResDecStat.aspx>.

34 • UN, *Human rights and the regulation*. Only six countries abstained during the resolution’s vote: France, Japan, South Korea, Macedonia, the UK, and the US; 41 states voted in favour.

35 • UN Sub-Commission on the Promotion and Protection of Human Rights, *Final Report Submitted by Barbara Frey, Special Rapporteur: Prevention of Human Rights Violations Committed with Small Arms and Light Weapons*, 27 July 2006, A/HRC/Sub.1/58/27, accessed October 7, 2015, <http://www.refworld.org/docid/45c30b560.html>.

36 • UN, *Final Report Submitted*.

37 • Ibid.

38 • Barbara A. Frey, “Small arms and light weapons: the tools used to violate human rights,” *Disarmament Forum*, UN Institute for Disarmament Research (2004): 37–46, accessed October 7, 2015, [http://www.peacepalacelibrary.nl/ebooks/files/UNIDIR\\_pdf-art2140.pdf](http://www.peacepalacelibrary.nl/ebooks/files/UNIDIR_pdf-art2140.pdf).

39 • United Nations Office of the High Commissioner for Human Rights (OHCHR), *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (Havana, Cuba: OHCHR, 27 August to 7 September 1990), accessed October 3, 2015, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>.

40 • Fórum Brasileiro de Segurança Pública, *Anuário Fórum Brasileiro de Segurança Pública, ano 7*. (São Paulo: 2013), accessed October 7, 2015, [http://www.forumseguranca.org.br/storage/download//anuario\\_2013-corrigido.pdf](http://www.forumseguranca.org.br/storage/download//anuario_2013-corrigido.pdf). In English see: Vanessa Barbara “Pity Brazil’s Military Police,” *The New York Times*, February 19, 2014, accessed October 7, 2015, <http://www.nytimes.com/2014/02/20/opinion/barbara-reform-brazils-military-police.html>.

41 • “Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials” (OHCHR, *Basic Principles*).

42 • Barbara Frey, *Preliminary report on the prevention of human rights violations committed with small arms and light weapons*, University of Minnesota, Humans Rights Library, E/CN.4/Sub.2/2003/29, 25 June 2003, accessed October 7, 2015, <http://www1.umn.edu/humanrts/demo/smallarms2003.html>.

43 • Frey, *Preliminary*.

44 • See “The Return of the Nation-State?” in Instituto Sou da Paz, *What Next?*

45 • Waiselfisz, *Mapa da Violência*.

46 • Instituto Sou da Paz, *Homicídios na Cidade de São Paulo: Diagnóstico das Ocorrências Registradas entre janeiro de 2012 e julho de 2013* (São Paulo, 2013), accessed October 7, 2015. [http://www.soudapaz.org/upload/pdf/conhecimento\\_homicidios\\_sp\\_em\\_2012\\_web\\_isbn.pdf](http://www.soudapaz.org/upload/pdf/conhecimento_homicidios_sp_em_2012_web_isbn.pdf).

47 • Instituto Sou da Paz, *De onde vêm*.

48 • Daniel R.C. Cerqueira, “Causas e consequências do crime no Brasil”(Doutorado, Pontifícia Universidade Católica do Rio de Janeiro, 2010), accessed October 7, 2015, [http://www.comunidadessegura.org/files/TESE\\_DOUTORADO\\_CERTIFICADA\\_DANIEL\\_CERQUEIRA.pdf](http://www.comunidadessegura.org/files/TESE_DOUTORADO_CERTIFICADA_DANIEL_CERQUEIRA.pdf). For an English adaptation of this work, see Peter Batchelor and Kai Kenkel, ed. *Controlling Small Arms: Consolidation, innovation and relevance in research and policy* (London: Routledge, 2013).

49 • Rogério Pagnan, “Metade do país acha

que ‘bandido bom é bandido morto’, aponta pesquisa,” *Folha de S. Paulo*, out. 5, 2015, accessed October 7, 2015, <http://www1.folha.uol.com.br/cotidiano/2015/10/1690176-metade-do-pais-acha-que-bandido-bom-e-bandido-morto-aponta-pesquisa.shtml>.

50 • Perhaps there is a parallel to this quote from former New York City mayor Michael Bloomberg: “Every American has a right to walk down the street without being targeted by the police because of his or her race or ethnicity. At the same time, every American has a right to walk down the street without getting mugged or killed. Both are civil liberties”.

51 • Tellingly, rather than under the chapter on “Fundamental rights and guarantees”, the article on “public security” appears under the rubric of “Defense of the State and democratic institutions”.

52 • As noted, this recognition should not detract from other human rights issues when attempting to design or influence public policy interventions. It remains essential to continue to emphasise the engagement and attempts to influence government actors that have historically perpetrated systematic violations of human rights of specific populations, such as efforts to curb disproportionate/unlawful violence from police forces and degrading treatment of prisoners.

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