

5-1-2014

Will Giving Up Our Guns Really Make Us Safer? An International Survey of Gun Laws and Violent Crimes

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Introduction

In recent U.S. history, mass shootings in places such as Aurora, Colorado and Newtown, Connecticut, as well as rampant gun violence in many of our Nation's cities has lead to a great American debate concerning the constitutionally protected right to bear arms. Proponents of stricter gun control laws argue that the constitutional amendment is antiquated and it is time for change to ensure safety within our national borders. Conversely, gun rights advocates vehemently oppose reform arguing that banning guns will leave innocent citizens unable to protect themselves against those who will continue to illegally obtain weapons. Specific statistics are often carefully picked and chosen by an author to support whichever side of the debate he or she falls on, and alas the debate continues without either side losing support of their ideological followers.

As this great debate continues, it may be helpful to look elsewhere in the world to guide Americans in answering the tough questions at the center of the gun debate, with the most critical question being: does banning firearms really end violence or does it just end gun-violence?

Firstly, what seems to be an obvious and simple proposition must be stated: that legalizing guns will result in more gun crimes than those countries that prohibit firearms. That surely explains why the United States, who has the largest arsenal of privately owned guns in the world, also has one of the highest counts of yearly firearm incidents in the world. However, the analysis must go beyond the United States and examine other nations. The most important statistic this paper will look to is violence rates (rate at which a crime occurs per 100,000 population) in individual countries. Using this rate,

instead of the count, eliminates larger nations seeming disproportionately more dangerous than smaller populated nations.

This paper will examine nations and their violent crime rates in order to determine if guns really make a nation safer or more dangerous. The countries this paper will explore are the United States and the few other nations with a constitutional right to bear arms: Guatemala, Haiti and Mexico; nations where guns are permitted and easily accessible (although have no constitutional protection): Finland and Yemen; and finally, countries where guns are prohibited except in very limited circumstances: U.K. (England and Wales), Australia and Japan. Next this paper will examine incidences of specific violent crimes in each of these nations. The violent crimes of focus will be homicide, assault, sexual violence and robbery. Finally will come an answer to the important question: will stricter firearms laws make us safer or just safer from firearms?

The Right to Bear Arms

The United States Second Amendment

Very few statements in the U.S. Constitution have elicited so much debate. The Second Amendment of the United States Constitution states:

"A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed"

Historically this constitutional amendment has allowed U.S. citizens to have guns in their homes and, in certain states, on their person.

It has been the duty of the individual states to regulate guns and ammunition. Some state legislatures have tightened up gun ownership by passing extensive gun control legislation restricting almost every aspect of gun ownership including where the gun may be stored in a home to the process of obtaining a weapon, including requiring a

license; other states allow the purchase of a firearm by walking into a local Wal-Mart and permit their citizens to carry weapons openly on their person.¹ Certain American cities have tried to strengthen gun control laws to the point of prohibition. When the District of Columbia tried to enact laws that all but prohibited private citizens right to bear arms, the law was vehemently met with opposition. A lawsuit ensued challenging the D.C. gun control laws.

District of Columbia v. Heller: Where we are now in America on limiting the Second Amendment's Right to Bear Arms

The District of Columbia enacted statutes that basically banned possession of handguns by making it illegal to carry an unregistered firearm, but prohibited the registration of handguns.² Under the statute, no person could carry an unlicensed handgun, but limited licensure to a one-year license issued by the Chief of Police.³ Also included was a condition that lawfully obtained firearms had to be stored in the home unloaded and disassembled or required a trigger lock.⁴

This law was challenged on Second Amendment grounds by Dick Heller, a D.C. Special Police Officer who wished to keep a handgun at home, but was denied a registration certificate.⁵ The Court of Appeals for the District of Columbia Circuit held that the total ban on handguns and leaving lawful guns in the home inoperable for self-defense violated the Second Amendment; the Supreme Court of the United States then

¹ Guardian US Interactive Team, *Gun laws in the US, state by state – interactive* (2013), <http://www.theguardian.com/world/interactive/2013/jan/15/gun-laws-united-states> (last visited Nov. 1, 2013).

² *District of Columbia v. Heller*, 554 U.S. 570, 574-575 (2008).

³ *Id.*, 575.

⁴ *Id.*

⁵ *Id.*

granted certiorari.⁶ After a lengthy textual analysis of what our framers intended by the Second Amendment, Justice Scalia writing for the majority held that some limitations on the right to keep and carry arms are reasonable, “[w]e think that limitation is fairly supported by the historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’”⁷ However, the limitations imposed by the District of Columbia law exceeded this scope and thereby were deemed by the court unconstitutional on Second Amendment grounds.

The Supreme Court found both the prohibition on handguns and the rendering of lawful guns in the home inoperable should they be needed for self-defense to be in violation of the Second Amendment of the United States Constitution. Scalia concludes:

We are aware of the problem of handgun violence in this country, and we take seriously the concerns raised by the many *amici* who believe that prohibition of handgun ownership is a solution. The Constitution leaves the District of Columbia a variety of tools for combating that problem, including some measures regulating handguns, see *supra*, at 2816 – 2817, and n. 26. But the enshrinement of constitutional rights necessarily takes certain policy choices off the table. These include the absolute prohibition of handguns held and used for self-defense in the home. Undoubtedly some think that the Second Amendment is outmoded in a society where our standing army is the pride of our Nation, where well-trained police forces provide personal security, and where gun violence is a serious problem. That is perhaps debatable, but what is not debatable is that it is not the role of this Court to pronounce the Second Amendment extinct.⁸

Justice Stevens in his dissent relied on the highest Court’s decision in *United States v. Miller*, 307 U.S. 174, 59 S.Ct. 816, 83 L.Ed. 1206 (1939), reasoning that historically the United States Supreme Court has held that setting limitations on the absolute right to bear arms was acceptable. While Scalia acknowledges those limitations in his majority opinion, the *Heller* decision strengthens the Second Amendment right by disallowing the

⁶ *Id.*, 576.

⁷ *Id.*, 627.

⁸ *Id.*, 636.

prohibition of handguns and by acknowledging that a gun in one's home to be used as method of self-defense is a genuine reason to possess a firearm.

An International Survey of Gun Laws

Nations with a Constitutionally Protected Right to Bear Arms

Mexico

Just south of the U.S. Border sits Mexico, another country with a Constitutional Amendment that guarantees its citizens a right to bear arms. Article 10 of the Mexican Constitution grants:

The inhabitants of the United Mexican States are entitled to have arms of any kind in their possession for their protection and legitimate defense, except such as are expressly forbidden by law, or which the nation may reserve for the exclusive use of the army, navy, or national guard; but they may not carry arms within inhabited places without complying with police regulations.⁹

The restrictive language of Article 10 does not give the Mexican people an absolute right to bear arms, and from a practical perspective this language limits the absolute right to the confines of the home and allows the government to pass laws significantly restricting ownership. After Mexico's Revolution and the uprisings in the 1960s Mexico's gun laws became even more restrictive and veered even farther away from an absolute guaranteed right to bear arms.¹⁰

The Mexican Ministry of Defense and the Ministry of the Interior regulate guns in Mexico and various legislation including the Federal Law of Firearms and Explosives in 2004 and Articles 160 to 163 of the Mexican Penal Code have been enacted to regulate

⁹ Mexico Const. Art. 10.

¹⁰ Damien Cave, *At a Nation's Only Gun Shop, Looking North in Disbelief*, (2012) New York Times, http://www.nytimes.com/2012/07/25/world/americas/in-mexico-a-restrictive-approach-to-gun-laws.html?pagewanted=1&_r=0 (last visited Nov. 26, 2013).

guns.¹¹ Under current Mexican law it is common for those seeking guns to wait months for approval before they are able to purchase their weapon of choice and once they are approved there are not very many choices available.¹² The Mexican government limits what type of weapon private Mexican citizens can secure by prohibiting private possession of fully automatic weapons and any military grade firearm except to police and military personnel.¹³ While military grade weapons are prohibited to private citizens, semi-automatic weapons are permitted with a license.¹⁴ Licensing is also required for the private possession of a handgun, and only licensed citizens can lawfully acquire, possess, purchase and transfer firearms and ammunition.¹⁵ Handguns secured for at home protection are limited to a caliber of no greater than a .38.¹⁶

In order to obtain a firearm license in Mexico a person must be at least 18 years of age and have passed a background check that includes evaluation of criminal, mental, physical and addiction records in determining if the person is deemed fit to possess a firearm.¹⁷ In addition to the background check the person must also provide third party character references to carry handguns.¹⁸ Finally, the person seeking the license must prove genuine reason to possess the firearm including hunting, target shooting, rodeo riding, collection, personal protection, or employment.¹⁹ A gun owner must give special

¹¹ Philip Alpers and Marcus Wilson, *Guns in Mexico: Firearms, armed violence and gun law* (2013) Sydney School of Public Health, The University of Sydney, GunPolicy.org, <http://www.gunpolicy.org/firearms/region/mexico> (Last visited Nov. 1, 2013).

¹² See Cave, *supra*.

¹³ *Id.*

¹⁴ See Alpers, *supra*.

¹⁵ *Id.*

¹⁶ See Cave, *supra*.

¹⁷ See Alpers, *supra*.

¹⁸ *Id.*

¹⁹ *Id.*

justification in order to obtain more than two guns.²⁰ In Mexico those who have obtained firearms licenses must re-apply and re-qualify every two years for a carry permit.²¹ The Mexican government keeps record of those licensed to acquire, possess, transfer and sell firearms.²² Since Mexicans require licenses to possess a handgun and semi-automatic weapon, and seeking such a license is a rather involved process that aims to deter the half-hearted gun enthusiast, Mexico's Article 10 cannot be perceived as providing its citizens with an absolute right to bear arms.

Guatemala

Similarly to Mexico, Guatemala requires a licensing process to be able to acquire, possess, transfer and sell firearms and ammunition. While Guatemala acknowledges a distinct right to possess firearms, like Mexico, it reserves a place for the government to impose restrictions on this right. Article 38 of Guatemala's Constitution reads:

Owning and Bearing of Arms.

The right to own weapons for personal use, not forbidden by law, in the person's home, is recognized. It will not be obligatory to hand them over except in cases ordered by a competent judge. The right to bear arms, regulated by the law, is recognized.²³

The Guatemalan government has used their right to regulate gun ownership to pass legislation that allows more control on gun ownership. This legislation includes the Firearm and Ammunition Law of 2009.²⁴

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Guatemala Const. Art. 38.

²⁴ Philip Alpers and Marcus Wilson, *Guns in Guatemala: Firearms, armed violence and gun law*, (2013) Sydney School of Public Health, The University of Sydney. GunPolicy.org, <http://www.gunpolicy.org/firearms/region/guatemala> (last visited Nov. 1, 2013).

Like Mexico, Guatemala has an outright ban on automatic firearms and military firearms or weapons of war.²⁵ However, also similarly to Mexico, possession of semi-automatic weapons and handguns is permitted with a license.²⁶

As previously stated, Guatemala requires that gun owners seek a license before acquiring, possessing, transferring or selling any firearm.²⁷ In Guatemala an applicant for a firearms license must pass background checks that evaluate the applicant's criminal, mental and army or police service records.²⁸ Applicants are not required to prove a genuine reason to possess a firearm, but should it be for personal security reasons it needs government approval.²⁹ Firearm collection is a legitimate reason to possess firearms and there is no restriction on the amount of firearms a person can obtain.³⁰ However, there is a restriction on the amount of ammunition a person can possess.³¹ Training in gun safety is required before licensing and gun owners must re-apply and re-qualify for their firearms license every one to three years.³² The Guatemalan Government's Office for Arms and Ammunition Control maintains records of all the persons who are licensed to acquire, possess, transfer and sell firearms.³³

The Guatemalan General Directory of Arms and Munitions estimates that there are as many as 900,000 unregistered firearms in circulation in Guatemala.³⁴ So in 2013, in an effort to combat the large number of illegal weapons and Guatemala's staggering

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ Id.

³² Id.

³³ Id.

³⁴ John Sevigny, *Go directly to jail: Guatemala passes new tough gun law*, (2013) <http://digitaljournal.com/article/357763> (last visited Nov, 26, 2013).

homicide rates (although they have been falling each year), the Guatemalan Congress passed a new law that would send those caught in possession of an unauthorized firearm directly to jail.³⁵ Previously the Guatemalan government had permitted those carrying unauthorized weapons to be placed under house arrest while they awaited trial, but the new amendment to the Guatemalan criminal code will require those caught with unauthorized firearms to sit in jail while they await trial.³⁶ This new amendment treats those caught with illegal firearms, at least at the pre-conviction stage, as it would murders or kidnappers.³⁷ The new amendment and other gun laws demonstrate Guatemala's commitment to gun regulation.

It is evident from their licensing process and strict laws regulating firearms that Article 38 of the Guatemalan constitution, like Mexico's Article 10, does not grant its citizens an absolute right to bear arms and the Guatemalan government sees it important to regulate firearms within their borders.

Haiti

The Haitian constitution is the only other international constitution that mentions a right to bear arms, however, it is even more restrictive than the Mexican and Guatemalan constitutions, limiting the right strictly to the confines of the home unless the gun owner has "express well-founded authorization". Article 268-1 and 2 of the Haitian Constitution provides:

ARTICLE 268-1: Every citizen has the right to armed self defense, within the bounds of this domicile, but has no right to bear arms without express well-founded authorization from the Chief of Police.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

ARTICLE 268-2: Possession of a firearm must be reported to the police.³⁸

It is clear from the text of Article 268 of the Haitian Constitution that the right to bear arms in Haiti is far from an absolute right.

Analyzing these nations together

It is clear from this analysis that none of the other countries with a constitutional right to bear arms provide the nearly absolute right to bear arms to the extent of the United States. Other nations put several significant limits on the right to bear arms, which the United States has historically left to the individual states. This demonstrates the Second Amendment of the United States constitution is truly unique and no other country in the world so zealously protects its citizens' right to bear arms.

Nations With No Constitutional Protection But Are Gun Tolerant

Finland

Somewhat surprisingly, Finland touts one of the highest guns to 100 people ratio in the world.³⁹ While Finland has strengthened their gun laws in recent years, Finnish citizens still are able to secure firearms. Just as the aforementioned countries, Finland outlaws almost all assault weapons and allows semi-automatic firearms and handguns but requires licensing to acquire, possess, transfer and sell firearms.⁴⁰ Applicants for a firearms licenses in Finland must provide a genuine reason for a firearm license, these reasons include hunting, target shooting, collection and employment requirements;

³⁸ Haiti Const. Art. 268-1-268-2.

³⁹ Philip Alpers and Marcus Wilson, *Guns in Finland: Firearms, armed violence and gun law* (2013) Sydney School of Public Health, The University of Sydney. GunPolicy.org, <http://www.gunpolicy.org/firearms/region/finland> (last visited Nov. 1, 2013).

⁴⁰ Id.

background checks of criminal and mental records must also be conducted and all gun owners must be trained in firearm safety.⁴¹

In response to two fatal school shootings in Finland in 2007 and 2008, in 2010 the Finnish Parliament amended their Gun Control Act in an effort to tighten gun control laws by limiting those that can legally possess firearms.⁴² The new amendments to the Gun Control Act strictly limit the purchase and possessing of pistols and revolvers, and raised the minimum age requirement for purchase and possessing of gun licenses by Finnish citizens from 18 to 20 years old.⁴³

Other notable changes to the Gun Control Act include that Finnish citizens must now apply for a new gun license every five years.⁴⁴ In addition, a Finnish citizen must pass a special test to apply for a gun license.⁴⁵ In an effort to keep citizens from easily obtaining licenses, background checks have also become more intensive. If necessary, the police might also ask a doctor to provide the health information of the applicant, to decide whether or not to issue a gun license to him.⁴⁶

The new Gun Control Act also imposes regulations on doctors by requiring doctors to circulate a notice to the police when he diagnoses that his patient is not suitable to hold a gun, according to his health condition and behavior.⁴⁷ After receiving a notice, the police will investigate carefully, in order to make clear if the person's mental health

⁴¹ Id.

⁴² People's Daily Online, *Finland approves new Gun Control Act to further restrict firearms* (2010) <http://english.peopledaily.com.cn/90001/90777/90853/7179641.html> (last visited Nov. 26, 2013).

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

makes it necessary to cancel the person's gun license.⁴⁸ It is the hope of the Finnish government that these stricter regulations will limit citizen's easy access to gun licenses and therefore, guns; but even with these new regulations Finnish gun laws do not seem to be as restrictive as Mexico or Guatemala, that is perhaps why for now Finland continues to have one of the largest gun-holding per capita rates in the world.⁴⁹

Yemen

Yemen provides similarly tolerant gun laws like Finland. The availability of firearms and access to them is perhaps why Yemen is ranked second in the world behind the United States for guns to 100 people ratio.⁵⁰ Yemen allows possession of fully automatic weapons, semi-automatic weapons and handguns so long as the possessor is licensed.⁵¹ Applicants for license must 18 years or older, must have a genuine reason such as employment requirements or personal protection to possess a firearm, and must submit to a background check of criminal, mental and addiction records.⁵² Yemen law requires gun owners to re-apply or re-qualify for license every three years.⁵³ Yemen limits the gun owners to one firearm, but places no restrictions upon the amount of ammunition.⁵⁴ Despite the license requirement statistics show that Yemeni people have no trouble obtaining firearms as demonstrated by their rate of 54.8 firearms to every 100

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Philip Alpers and Marcus Wilson, *Guns in Yemen: Firearms, armed violence and gun law* (2013) Sydney School of Public Health, The University of Sydney. GunPolicy.org, <http://www.gunpolicy.org/firearms/region/yemen> (last visited Nov. 1, 2013).

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

people.⁵⁵ Yemen demonstrates that people can still readily obtain firearms even with licensing and other requirements for gun ownership.

Yemeni culture is perhaps responsible for the large amount of firearms per capita.⁵⁶ Weapons coincide with a showing of manliness and are a part of a Yemeni citizen's daily life.⁵⁷ Markets are filled with weapons for sale and one would be hard pressed to walk around Yemen without seeing several people touting firearms.⁵⁸ Yemeni people are even known to fire off rounds of ammunition as an act of celebration.⁵⁹

Despite Yemeni gun control laws, the Yemeni government does a poor job enforcing the laws and instead has an active role in making weapons more prevalent in society rather than less. The army is heavily armed in populated areas and its weapons stockpiles are poorly secured.⁶⁰ The Yemeni government made serious efforts from 2007 to 2010 to disarm their citizens by confiscating hundreds of thousands of unlicensed weapons and by temporarily closing hundreds of weapons shops; while their efforts seemed to be working the arrival of the Arab Spring caused conflict between the government, tribesmen, and armed militants; this conflict caused the population to become reinvigorated to take up arms.⁶¹ Since then, government officials have made no attempt to make stricter gun laws or actively enforce the laws already on the books.⁶² For these reasons, Yemen will continue to remain a heavily armed nation.

⁵⁵ Id.

⁵⁶ Tik Root, *Gun Control, Yemen Style* (2013)

<http://www.theatlantic.com/international/archive/2013/02/gun-control-yemen-style/273058/> (last visited Nov. 26, 2013).

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ Id.

⁶¹ Id.

⁶² Id.

Analyzing these nations together

These nations once again demonstrate the uniqueness of the United States and its Second Amendment. Although, Finland and Yemen's right to possess firearms could be stripped at any moment these countries continue to have a significant part of their populations possess firearms. Despite the apparent ease to secure a firearm in Yemen and Finland, just as Mexico, Guatemala and Haiti, these nations rely on licensing and other requirements to regulate firearms within their borders and gun ownership is not an absolute right nor guarantee.

Nations With An Almost Ban of Arms

U.K. (England and Wales)

On the extreme opposite end of the spectrum from the United States in regards to gun laws is the United Kingdom (specifically for this paper, England and Wales). In the United Kingdom possession of automatic firearms, semi-automatic firearms and handguns is prohibited.⁶³ In order to acquire, possess or transfer a firearm a person must be licensed.⁶⁴ Licensing is only granted to those persons who demonstrate a genuine reason to possess a firearm including hunting, target shooting or collection and must be renewed every 5 years.⁶⁵ The U.K. attempts to impose as many barriers as possible for a person seeking a firearm's license, which includes hours worth of paperwork wherein the applicant attempts to demonstrate that he or she does not pose a danger to society.⁶⁶ Applicants must also submit to a background check of their criminal, mental and

⁶³ Philip Alpers, Marcus Wilson, Amélie Rossetti and Daniel Salinas. *Guns in the United Kingdom: Firearms, armed violence and gun law* (2013) Sydney School of Public Health, The University of Sydney. GunPolicy.org, <http://www.gunpolicy.org/firearms/region/united-kingdom> (last visited Nov. 1, 2013).

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Dominic Casciani, *Gun control and ownership laws in the UK* (2010) <http://www.bbc.co.uk/news/10220974> (last visited Nov. 26, 2013).

addiction records and third party references are required.⁶⁷ Anyone with a past history of domestic violence will be denied a license.⁶⁸ Even once licensed, gun owners can only possess a limited number of firearms and ammunition.⁶⁹ The British Government keeps records of licensed firearm owners.⁷⁰

Most of the U.K.'s gun laws have been reactionary to national tragedies. A 1987 massacre that ended in the death of 16 people led to the banning of all modern semi-automatic weapons, and 9 years later, after a school shooting took the lives of 16 schoolchildren and their teacher, Parliament banned all handguns and imposed a mandatory five-year jail sentence for those caught in possession.⁷¹

Australia

Similar to the U.K., Australia has extremely restrictive gun laws. Just as all the other nations we have explored, only licensed gun owners may lawfully acquire, possess, transfer and sell firearms.⁷² Private possession of fully automatic and semi-automatic weapons and lookalikes are prohibited except for very narrow exceptions.⁷³ Private possession of handguns is permitted but subject to stringent conditions.⁷⁴ Even those persons who are licensed to possess firearms may not carry them in public.⁷⁵ Applicants for license must have a genuine reason for possession of the firearm, such as, hunting,

⁶⁷ See Alpers, *supra*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See Casciani, *supra*

⁷² Philip Alpers, Marcus Wilson and Amélie Rossetti, *Guns in Australia: Firearms, armed violence and gun law* (2013) Sydney School of Public Health, The University of Sydney. GunPolicy.org, <http://www.gunpolicy.org/firearms/region/australia> (last visited Nov. 2013).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Julia Baird, *When Australians gave back their guns* (2013) http://articles.washingtonpost.com/2013-08-23/opinions/41439359_1_australians-guns-three-teenagers (last visited Nov. 27, 2013).

target shooting, collection, pest control and narrow occupational uses; however, personal protection is not a genuine reason.⁷⁶ Applicants must submit to a background check that examines the applicant's criminal, mental, physical, addiction, domestic violence, residential, and other records.⁷⁷ Previous history of domestic violence will result in denial of a firearm's license.⁷⁸ There are different types of firearm's licenses that one can obtain and the type of license will dictate what type of firearm and the number of firearms one can secure.⁷⁹ Firearm safety training is required and firearm licenses must be renewed every 1 to 5 years depending on the kind of license.⁸⁰ A person may only possess a limited amount of ammunition and only for the type of firearm that he or she possesses.⁸¹ The Australian government keeps a uniform system for registering and licensing firearms.⁸²

Similar to the U.K., Australia's strict gun laws were motivated by national tragedy. In 1996, a mass shooting that took the lives of 35 people and injured 18 more caused the Australian government to change their stance on guns and tighten gun laws.⁸³ It was soon after this shooting that Australia banned automatic and semi-automatic weapons.⁸⁴ The Australia government instituted a buyback program for high-powered and rapid-fire rifles, which lead to a third of the guns in Australia being handed in to the

⁷⁶ See Alpers, supra.

⁷⁷ Id.

⁷⁸ Id.

⁷⁹ Id.

⁸⁰ Id.

⁸¹ Id.

⁸² See Baird, supra.

⁸³ Id.

⁸⁴ Id.

government.⁸⁵ Since the buyback, about one million guns have made their way back into Australia but in spite of the firearm influx Australia has not had a mass shooting since 1996.⁸⁶ Many people believe the lack of firearm violence is due to Australia's strict gun laws mentioned above, including the requirement buyers must prove a "genuine reason" to own a gun and the strict, police-supervised checks of storage and security of the firearms.⁸⁷

Japan

Japan gun laws are even more restrictive than the U.K. and Australia, making only narrow exceptions for gun ownership for accomplished sport shooters and hunters.⁸⁸ Therefore, for the most part guns are prohibited but even those persons who meet the narrow exception for which they are allowed must be licensed to lawfully acquire, possess or transfer a firearm or ammunition.⁸⁹ Applicants for licensing must submit to a background check that evaluates the applicant's criminal and mental records.⁹⁰ Firearm safety training is required before obtaining a firearm license.⁹¹ A firearm owner must re-qualify and re-apply for a license every three years.⁹² In Japan those that are licensed may obtain an unlimited amount of firearms and ammo.⁹³

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ Philip Alpers and Marcus Wilson, *Guns in Japan: Firearms, armed violence and gun law* (2013) Sydney School of Public Health, The University of Sydney. GunPolicy.org, <http://www.gunpolicy.org/firearms/region/japan> (last visited Nov. 1, 2013).

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

Writer, Max Fisher details the involved process that one must endure in order to be licensed to buy an air rifle or shotgun (because these are the only two types of guns not prohibited by the Japanese government):

To get a gun in Japan, first, you have to attend an all-day class and pass a written test, which are held only once per month. You also must take and pass a shooting range class. Then, head over to a hospital for a mental test and drug test (Japan is unusual in that potential gun owners must affirmatively prove their mental fitness), which you'll file with the police. Finally, pass a rigorous background check for any criminal record or association with criminal or extremist groups, and you will be the proud new owner of your shotgun or air rifle. Just don't forget to provide police with documentation on the specific location of the gun in your home, as well as the ammo, both of which must be locked and stored separately. And remember to have the police inspect the gun once per year and to re-take the class and exam every three years.⁹⁴

This detailed process does not seem all that stringent in light of Japanese laws' plain language that places an outright ban on firearms. Japan's 1958 Act states, "No person shall possess a firearm or firearms or a sword or swords," obviously rare exceptions have been added since the act.⁹⁵ Even the Police in Japan are urged to only use firearms in rare circumstances.⁹⁶

Analyzing these nations together

Countries like the U.K., Australia and Japan have extremely strict gun laws that almost completely prohibit private gun possession. Even in the narrow circumstances when guns are allowed they are regulated by licensing and other restrictions. These nations are the extreme opposite of the U.S. gun law model.

An International Survey of Violent Crimes

⁹⁴ Max Fisher, *A Land Without Guns: How Japan Has Virtually Eliminated Shooting Deaths* (2012) <http://www.theatlantic.com/international/archive/2012/07/a-land-without-guns-how-japan-has-virtually-eliminated-shooting-deaths/260189/> (last visited Nov. 27, 2013).

⁹⁵ Id.

⁹⁶ Id.

The United Nations Office on Drugs and Crime provides international statistics on various different violent crimes. These statistics provide counts of the number of crimes reported within the nation and more importantly, gives the rate of that particular crime per 100,000 people. This number needs to be the primary focus in order to best compare the nations because the different nations that are being analyzed have such huge discrepancies in populations. The violent crimes that will be examined below are homicide, assault, sexual violence, and robbery.⁹⁷

Homicide

The United Nations Office on Drugs and Crime (UNODC) defines homicide as “unlawful death purposely inflicted upon a person by another person.”⁹⁸ In 2011, out of the nine countries this paper examines Mexico had the highest homicide count with 27,199, but Guatemala had a higher homicide rate at 38.5 for every 100,000 people.⁹⁹ The homicide rate tells more than the homicide counts because it more uniformly compares the nations. However, behind Guatemala was Mexico with a rate of 23.7.¹⁰⁰ Following Mexico was Haiti, the United States, and Yemen; these nations from 2007-2011 huddled around the 6 to 3 homicide rate per 100,000 people.¹⁰¹ Finland’s homicide

⁹⁷ Unfortunately, the United Nations does not have up-to-date statistics on every nation previously explored in this paper for every crime; however, consistent data is available over enough of a period of time to form a reasonable analysis of this information. When it comes to comparing this data among nations it is also important to keep in mind that all the nations laws are not carbon copies of one another, and that one nation may define a similar crime differently than another nation. Due to the broadness of the crimes about to be explored, the differences in classifying crimes should not affect the conclusions drawn from this data. It should also be noted that these statistics only include police-recorded offenses, and in certain nations some crimes may be underreported, but again it is unlikely that in any one nation that the crimes would be so drastically underreported that it would influence the conclusion drawn from this data.

⁹⁸ The United Nations Office on Drugs and Crime, *Intentional Homicide, Count and Rate per 100,000 population (1995-2011)*.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

rate in 2011 was 2.2.¹⁰² The U.K., Australia and Japan's rates were all significantly lower with the highest being 1.1.¹⁰³

With the homicide rates being so significantly higher in countries that allow firearms versus those that do not, it was imperative to check the percentages of firearm homicides in those nations. According to the UNODC, in 2010, firearms were the weapon of choice for 84 percent of the homicides in Guatemala, 67.5 percent of the homicides in the United States and 54.9 of the homicides in Mexico.¹⁰⁴ In 2009, firearms accounted for 19.8 percent of the homicides in Finland; while in nations with stricter gun laws, firearms were the method chosen in 11.5 percent of homicides in Australia, and 6.6 percent in the U.K.¹⁰⁵ Japan's rates are even significantly smaller than the U.K.'s.¹⁰⁶ The countries with large counts in homicides seem to also have larger homicide rates and more deaths by firearms.

Assault

The UNODC defines assault as a “physical attack against the body of another person resulting in serious bodily injury; excluding indecent/sexual assault; threats and slapping/punching. 'Assault' leading to death should also be excluded.”¹⁰⁷ The UNODC's statistics show is that the count of assaults in the United States is more than double those in the other nations this paper explores. In 2011, the U.S. had 751,131 police-recorded assaults, with the U.K. behind them with 336,995, and Mexico with 212,141; the rest of

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ The United Nations Office on Drugs and Crime, *Homicide Statistics – Homicides by Firearm*.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ The United Nations Office on Drugs and Crime, *Assault at the National Level, Number of Police-Recorded Offences*.

the nations reported fewer than 100,000 cases.¹⁰⁸ As mentioned before, these numbers are less important to this analysis than the rate of the crime to every 100,000 people because of the population discrepancies. When the nations are placed on “equal ground” (the crime is compared to the same number of people) the assault rate of Finland is staggering at 745.6947.¹⁰⁹ The U.K. fared slightly better than Finland with a rate of 600.7041.¹¹⁰ Australia is behind the U.K. with an assault rate of 307.3247, followed by the United States at 239.9125.¹¹¹ The other nation’s rates are significantly smaller.¹¹² These rates are important because they demonstrate while the U.S. may have far more assaults than any other nation it is because the U.S. also has the largest population. By looking at the crime of assault in proportion to their population the U.S. fared better than several other nations.

Sexual Violence

The UNODC defines sexual violence as “rape and sexual assault; including sexual offences against children.”¹¹³ According to the U.S. Department of Justice approximately 237,868 incidents of sexual assault take place in America each year.¹¹⁴ Since the U.S. population is currently estimated around 316,668,567 that would make the U.S.’s rate per 100,000 people 75.11576.¹¹⁵ According to the UNDOC the U.K. had

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ The United Nations Office on Drugs and Crime did not calculate a rate of assault per 100,000 people for the U.K., but based on the U.K.’s estimated population of 56,100,000 from the 2011 census (UK Office of National Statistics) the rate would be high at 600.7041.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ The United Nations Office on Drugs and Crime, *Sexual Violence at the National Level, Number of Police-Recorded Offences*.

¹¹⁴ U.S. Department of Justice. *National Crime Victimization Survey. 2008-2012*.

¹¹⁵ U.S. Central Intelligence Agency World Factbook estimates in July 2013 the U.S. population was 316,668,567.

44,394 sexually violent crimes in 2011.¹¹⁶ Although their count of sexual assaults is smaller, the U.K. has a slightly higher incidence of sexual violence in proportion to the population with their rate per 100,000 approximately 79.13369.¹¹⁷ Finland has the third highest rate at 60.4, then Mexico with 29.4, and Australia with 25.2.¹¹⁸ Japan, Guatemala, and Yemen are significantly lower.¹¹⁹

Robbery

The UNODC defines “robbery” as “the theft of property from a person; overcoming resistance by force or threat of force. Where possible, the category ‘Robbery’ should include muggings (bag-snatching) and theft with violence; but should exclude pick pocketing and extortion.”¹²⁰ According to the UNODC, Mexico has a staggering 751,750 robberies a year, followed by the U.S. at 354,396 robberies per year.¹²¹ Mexico not only has the highest count, by far it also has the highest rate per 100,000 people at 654.9 in 2011.¹²² The U.K. has the second highest rate of robbery at 133.1.¹²³ The U.S. has the third highest robbery rate at 113.2.¹²⁴ Guatemala is behind the U.S., and Finland, Australia, Japan, and Yemen (in that order) are significantly behind Guatemala.¹²⁵

Do Gun Laws Make Us Safer?

¹¹⁶ UNODC, *Sexual Violence*, supra.

¹¹⁷ The United Nations Office on Drugs and Crime did not calculate a rate of sexual violence per 100,000 people for the U.K., but based on the U.K.’s estimated population of 56,100,000 from the 2011 census (UK Office of National Statistics) the rate would be 79.13369.

¹¹⁸ UNODC, *Sexual Violence*, supra.

¹¹⁹ Id.

¹²⁰ The United Nations Office on Drugs and Crime, *Robbery at the National Level, Number of Police-Recorded Offences*.

¹²¹ Id.

¹²² Id.

¹²³ The United Nations Office on Drugs and Crime did not calculate a rate of robbery per 100,000 people for the U.K., but based on the U.K.’s estimated population of 56,100,000 from the 2011 census (UK Office of National Statistics) the rate would be 133.1.

¹²⁴ UNODC, *Robbery*, supra.

¹²⁵ Id.

In this International survey nine countries were identified with various different gun laws and different cultural sentiments about gun ownership. Those countries violent crime rates were then analyzed to determine if restricting firearms would actually make people safer. This topic has been written about countless times by gun rights advocates or proponents of stricter gun laws with each side using convenient data to make the point that supports their opinion. However, what the facts show is that it depends; perhaps gun laws do make people safer in certain ways but then again they may not in others.

For example, when looking at homicide rates in the countries that constitutionally protect the right to bear arms (however, every country besides the U.S. does place various restrictions on gun ownership) statistically have much higher homicide rates than nations that have an all but prohibition on gun laws. This seems quite logical since firearm use was the method of choice for the majority of those nations' homicide. However, since Guatemala and Mexico's homicide rates are so greatly larger than any other nation it might speak more to their culture's value of human life than their constitutionally protected (but limited) right to bear arms.

So when it comes to homicides it may be safe to say that gun laws do make people safer, especially since a large number of homicides are committed using firearms. However the analysis cannot stop there, the other violent crimes of assault, sexual violence and robbery the nations must be examined.

An astoundingly high rate of assaults in Finland followed by Australia and the U.K. demonstrates that gun laws play no part in the frequency or infrequency of assaults. Finland is known for its less restrictive gun laws while in the U.K. and Australia firearms are almost completely prohibited. The U.S. fared only slightly better. The rest of the

nations' rates were significantly less. There are extremely high incidents of assault in a nation with lax gun laws and in those nations that have strict gun laws. Gun laws do not make people safer or less safe from assaults.

The highest rate of sexual violence belongs to the U.K. with the U.S. coming in second, Finland was third, Mexico was fourth and Australia was fifth. The rest of the nations were significantly lower. The U.K. and U.S. are at the top with the most instances of sexual violence while Japan and Yemen continue to have lower violent crime rates, yet both the U.K. and the U.S. and Japan and Yemen have extremely different ideologies when it comes to guns and gun restrictions. Therefore, gun laws do not have any influence on the rate of sexual violence.

Finally, Mexico, the U.K. and the U.S. (in that order) have the highest incidents of robbery. The other nations have significantly lower incidences of robbery. As previously discussed these nations are on different ideological ends of the scale when it comes to firearms restrictions yet they all have high rates of robbery. Therefore, gun laws do not have any influence on the rate of robbery.

Conclusion

Statistics based on raw counts try to paint the U.S. as one of the most dangerous nations in the world, when the facts demonstrate that is not true. While the U.S. is not unfamiliar with violent crimes it is also not particularly more violent than many other nations in the world. This paper surveyed nine nations and their gun laws. Every nation except the United States requires the firearms owners be licensed. Some of these nations impose restrictions on firearm ownership that do little to limit firearms' possession, while other nations almost completely prohibit firearm ownership, even in nations with a

constitutional right to bear arms. The next thing examined was violent crimes in each of these nations, particularly the crimes of homicide, assault, sexual violence and robbery.

The data shows that stricter regulation of firearms may lessen the number of firearm related homicides, which is very important, but will not necessarily make us safer in other ways. Australia and the U.K. have all but banned firearms but statistics show them to still be violent nations with large incidents of sexual violence, robberies and assaults. Japan, a nation that has almost completely banned firearms, and gun-touting Yemen, have extremely low incidents of violent crimes. Guatemala has by far the highest murder rate out of the countries examined, but low incidences of sexual violence, robbery and assaults, while Mexico seems to be a particularly violent nation with staggering homicide and robbery rates.

The answer to the most critical question: “does banning firearms really end violence or does it just end gun-violence?” seems to be that it just ends gun violence. While things seem peaceful in gun-prohibited Japan, other nations with similar laws such as the U.K. and Australia appear to still have problems with violent crimes. The conclusion gleaned from this data is that bad people exist and will commit violent crimes everywhere in the world no matter the restrictions imposed. The individual culture of the nation may have much to do with the types of crimes committed within its borders. The U.S. may be able to decrease their homicide rate by placing stricter rules on gun control, but chances are people will find other ways to be violent that do not involve firearms as they have in Australia and the U.K.

Also, it is important to keep in mind that the U.S.’s gun culture is unique and the U.S.’s Second Amendment makes the U.S. the most protective country of gun ownership

in the world. For this reason Americans are less likely to hand in their guns as willingly as the people of Japan, Australia and the U.K. Therefore, an outright ban on firearms in the U.S. in an attempt to reduce the firearm homicide rates seems unlikely, impractical and as the Supreme Court of the United States has already ruled: unconstitutional. However, the United States could employ several methods that other countries utilize to try to better regulate guns to attempt to ensure they remain in the hands of law-abiding citizens that will use them for legitimate purposes. The first recommendation would be universal licensing regardless of the state in which a citizen resides and the U.S. government must keep thorough records of those licensed; background checks are a must and those with serious mental and criminal records should be disqualified from firearm ownership. The licensing process should not be so involved that it discourages law-abiding citizens from obtaining a license, but should also not be so simple that a citizen can secure a firearm in a matter of hours after applying. A national emphasis on firearm's safety is also important, for a nation that is so concerned about safety regulations and so strongly protects its right to bear arms there is little emphasis on how to safely bear firearms. The U.S. could also impose harsher penalties for those found in unlawful possession of a firearm. Implementation of these suggestions may help lower the number of firearm homicides in America but until the culture of the nation changes, regulations are only one small step.

Violence is everywhere. Human beings are inherently violent and firearms lend an easy method to perpetuate this human deficiency. Guns do not kill people, people kill people, but unfortunately people frequently use guns to kill people in countries where firearms are permitted. Better regulation of guns may help, but in order for a nation to be

truly safe, there must be a cultural change that forces human beings to respect each other in such a way that they would be incapable of causing harm to each other: this is an anomaly. A government cannot regulate people to care for one another. Until there is a cultural shift violent crime rates will fail to dissipate.