



Gun Control in Belgium

A Review of the Effects of the 2006 Weapons Law

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Contents

1	STRICTER GUN LAWS AND THEIR EFFECTS _____	2
2	THE BELGIAN WEAPONS LAW OF 2006 _____	7
3	A LEGAL PERSPECTIVE: COMPLIANCE, COHERENCE AND EFFICACY _____	10
4	GUN POSSESSION _____	14
5	ARMS DEALERS AND THE CIVILIAN MARKET FOR FIREARMS _____	21
6	GUN CRIME _____	25
7	VIOLENT DEATHS: HOMICIDES AND SUICIDES _____	29
8	PUBLIC OPINION _____	36
9	CONCLUSION _____	40
	ENDNOTES _____	45

1 Stricter Gun Laws and Their Effects

In 2006 a new weapons law was enacted in Belgium, making it more difficult for private citizens to acquire firearms. The stricter Belgian law was voted in the immediate aftermath of a public shooting incident in Antwerp, where in May 2006 Hans Van Themsche killed two persons and severely injured a third with a gun he had bought earlier that day. Although the question of a new law had been debated since the beginning of the 2000s and a draft text been tabled in parliament in February 2006, the shooting in Antwerp drastically accelerated the decision-making process. The discussion of the bill was moved up on the parliamentary agenda, and only six days after the shooting the new law was approved by the Justice Affairs Committee of the Federal Parliament. Just over three weeks after the shooting, on 9 June 2006, the new legislation was published in the Belgian official journal ("*Belgisch Staatsblad*") and came into effect.

The fact that a stricter weapons law was enacted in the aftermath of a violent public shooting incident is not surprising. It is often news-grabbing public incidents of gun violence that spark discussions about making firearm regulations stricter.¹ In recent years Europe has experienced a number of firearm-related violent incidents, such as - to mention only a few - the shootings by Tim Kretschmer in Winnenden (Germany, 2009), Derrick Bird in Cumbria (United Kingdom, 2010), Tristan van der Vlies in Alphen aan de Rijn (the Netherlands, 2011), Anders Behring Breivik in Oslo/Utøya (Norway, 2011), and Nordine Amrani in Liège (Belgium, 2011). Generating immense media attention and public outrage, these shootings spurred politicians to consider and/or bring into effect stricter rules for the possession and use of firearms by private citizens.

Violent incidents, however, are not the only factor explaining why many European states over the last decades have witnessed a trend towards stricter firearms regulation. Although the shooting in Antwerp was the direct spur for the change in legislation in Belgium and received most of the media attention, another factor also played an important role: a trend towards stricter gun regulations both at the international and the European level. In 2001, the United Nations Firearms Protocol was signed. It lists a series of stipulations aimed at fighting the illicit manufacturing and trafficking in firearms, such as rules on marking, registration and tracing. Some of these rules are relevant for domestic gun control regimes, as states are required to implement them in their national legislation. In the European Union (EU), common regulations have been developing since the early 1990s, in response to the establishment in the 1980s of the Schengen area and the integration of the internal European Community (EC) market. The gradual loss of internal border controls confronted members of the Schengen Area and the EC with a series of possible negative consequences, such as the unchecked flow of firearms within the Union. In order to compensate for the abolition of checks at intra-community borders and to avoid a security deficit, it was deemed necessary to provide for a certain degree of uniformity in member states'

firearms laws. Thus a minimal degree of control over firearms and ammunition flows could be guaranteed.

In 1991 the EC enacted the Firearms Directive (91/477/EEC) providing for common regulations on the transfer, the acquisition and the possession of weapons and ammunition. The Directive prescribes the minimum standards that member states must implement in their national legislation, leaving them free if wished to enact stricter regulation than the Directive requires.² In 2008, the Firearms Directive was amended by Directive 2008/51/EC of the European Parliament and the Council.¹ By creating a common frame of reference, the Firearms Directive has played a crucial part in harmonizing the gun control regimes of EU member states. In line with international instruments aimed at combating illicit manufacturing and trafficking, such as the UN firearms protocol, the European Firearms Directive has further been instrumental in strengthening member states' controls and legislation on the transfer, acquisition and possession of firearms. In other words, while certain countries have strengthened their firearms controls in the wake of public shooting incidents, the impact of common regulation at the EU and UN level should not be neglected in understanding the European trend towards stricter firearms laws.

In striking contrast with the situation in the US, in Europe the question of stricter firearms regulations is not the subject of highly politicized and wide-ranging public debates. Stricter gun laws are of course discussed and often contested by various interest groups, such as hunters' and sport shooters' associations and groups representing the arms manufacturing and trading sector. From time to time, when shooting incidents lead to public outrage, the media pose the question whether gun laws are strict enough. Usually, however, gun control does not rank high on the political and public agenda in European countries. Most discussions about firearms legislation take place among a small number of experts, interest groups and policy-makers. The questions driving these discussions are much the same in Europe as they are in the US: they focus largely on the rationale and objectives of stricter gun laws as well as, importantly, on their effects. Are there legal imperatives to revise national regulations, in the sense that there are new international norms they must comply with? Is the existing legislation in need of more coherence? Are there loopholes in the laws on the statute-books? Besides these legal questions, there are a number of public safety and socio-economic issues at stake. Can stricter laws reduce levels of gun ownership and restrict availability? What is their impact on crime and public safety? What is the economic impact of stricter regulations? And are stricter gun laws supported by public opinion?

¹ The coming into force of the UN Firearms Protocol in 2005 had made a revision of the Directive necessary. A number of new stipulations were written into the Directive, such as measures for the deactivation of firearms and the prescription that all firearms placed on the market must be marked and registered. The Directive also requires all member states to establish a computerized data filing system to record information on firearms, owners, and sellers. In line with this last requirement, several European countries such as Germany have established weapons registries in recent years.

These questions may be similar in Europe and the US, but the latter have a long and rich tradition of gun control research that provides scientific evidence in response, while in Europe the situation is much less advanced. There is a research community in Europe focusing on small arms and light weapons (SALW), but it is predominantly occupied with the export of (often European-produced) firearms and the relationship between these arms flows and violence in developing, transitional, or 'fragile' states. Questions such as the impact of stricter gun laws on domestic rates of ownership, on violence and crime, on the civilian market for firearms and on public opinion receive much less scholarly attention. The scanty research efforts made in this field by epidemiologists, legal scholars, and criminologists³ remain fragmented, and suffer from the fact that there is no integrated scholarly community dealing with gun-related issues. Language barriers, moreover, often prevent the wider dissemination of research results.⁴ Because of this relative lack of European firearms research, American studies at the moment remain preponderant in research on gun control.¹ Given the particularities of the US context, notably the fact that the US has one of the highest rates of gun-related deaths and crime among industrialized democracies, over-reliance on the US literature poses a number of problems in terms of applying research results in the European context.

The lack of sound scientific evidence specifically relating to the European situation makes it hard for policy-makers and researchers to find impartial, unbiased and context-specific information to guide the policy-making process. The absence of research thus not only stands in the way of a high-quality debate on the issues, but potentially also impacts on the quality of policy-making and of the legislation itself.¹¹ More research on gun control in European countries is therefore needed. In the present report we aim to help in the effort to generate scientific knowledge, and to build a body of literature on domestic gun control in European countries, by taking a closer look at the effects of Belgium's weapons law of 2006. This law introduced a series of stricter regulations on the acquisition, use and trade of firearms.

The Belgian case is an interesting one for several reasons. First, the law of 2006 constituted a clear break: rather than incrementally implementing changes in legislation, the Belgian government in 2006 drastically changed the regulatory framework. The policy intervention can thus be clearly delineated in time. Secondly, almost ten years have now passed since the introduction of the new law, making it possible to collect data on trends in the levels of gun ownership, gun crime and violence, and on how the civilian market for firearms has evolved since the law was enacted. At the same time, since the

¹ Greene & Marsh calculate that of the 665 studies on firearms and violence they reviewed, 64% were about the USA. Of the remaining studies not on the USA, 13% concerned cross-national comparisons or articles in which the geographical focus was unspecified (such as reviews), while 8% were about developing countries. Only 15% concerned other developed countries such as Canada, Australia, the UK and Germany (Greene, O. & Marsh, N. (2012) (eds.), *Small Arms, Crime and Conflict : Global Governance and the Threat of Armed Violence*, London & New York: Routledge, p. 81-83).

¹¹ Here one might note that in America, where a substantial body of research on gun control is available, the quality of the debate is not necessarily better. In American debates scientific studies are indeed frequently referred to, but often in an overly biased way. One could perhaps counter-argue that the situation in the US differs from Europe because in America gun control is a much more contested and politicized issue, and that European debates about gun policy are less biased. More importantly, even if public discussions might turn out biased in practice, from a normative and a public policy perspective it remains true that decisions about the introduction of new and stricter gun regulations should *ideally* be guided and informed not only by economic and political considerations, but also by scientific knowledge. In Europe the problem then remains the same: there is a lack of scholarly research focusing specifically on the gun control situation in the EU.

legislative change was relatively recent, we can also examine data for the period before the law was introduced. All these factors allow us to try to track the effects of the stricter gun law. Although our analysis only presents evidence for the Belgian case, we hope to open a broader perspective by outlining the various contexts in which we believe the question of gun control in European countries could be studied, thus indicating what a European research agenda on gun control might look like. When more case studies along the lines of our study are available, a comparative approach can bring value in highlighting general observations and more context-specific aspects.

In this paper we try to track the effects of the stricter gun law introduced in Belgium in 2006. To structure the analysis, we start from the objectives defined at the time when the Belgian weapons law was discussed and introduced. A first objective of the law was to ensure that Belgian gun legislation complied with the UN Firearms Protocol and the European Firearms Directive (which was to be revised in 2008). The old weapons law, dating from 1933 and amended in 1991, was not sufficiently in accordance with international regulations.⁵ Over time, moreover, Belgian firearms legislation had become fragmented, complex, and maladjusted to current risks and crime trends. Another objective of the law was therefore to bring more coherence and uniformity in the Belgian control regime and in the issuing of firearms licences.⁶ In section 3 of this paper we enquire whether the law of 2006 has made the Belgian gun control regime more compliant with international standards, and whether it has made this regime more coherent and effective in addressing current trends in gun-related crime. A second objective of the 2006 weapons law was to restrict the accessibility of firearms for citizens and to reduce the level of private gun ownership.⁷ In section 4 we will use various methods to find out whether rates of gun possession have indeed decreased in Belgium as a result of the law of 2006.

We then review these objectives against the background of some of the fundamental questions guiding firearms policies and gun control research. An oft-cited element in discussions about strengthening gun regulations is their possible economic impact. Both arms production and the legal arms trade represent a significant economic value, not only in terms of turn-over but also of employment. During the discussions in 2006, representatives of the Belgian arms sector voiced their concern that the introduction of the stricter law would have a negative impact on the economic viability of the sector: not only because the new law would further restrict access to guns, but also because it introduced stricter rules for arms dealers.⁸ Since the introduction of the stricter law, representatives of the sector have regularly argued that the law of 2006 has negatively impacted on the legal arms trade. In section 5 we look at various data-sets to review the effects the 2006 weapons law might have had on the civilian market for firearms in Belgium.

A further important question in all discussions on stricter gun laws concerns their effects on gun-related crime and violence. This is a sharply contested issue in debates on gun control, and a main focal point in the literature. Advocates of stricter gun control argue that strengthening firearms regulations will result in lower levels of gun-related crime and violent deaths (homicide and suicide). Opponents disagree, and

argue that there will be a substitution of means - i.e., perpetrators will find other weapons to commit their acts - or that criminals by definition do not comply with gun laws. In 2006 Belgian lawmakers stated that one of the objectives of the new weapons law was to protect society better, not only against violence in the domestic sphere, but also against gun-related crime and illegal arms trade.⁹ In sections 6 and 7 we will turn the spotlight on these issues and try to track the impact of the 2006 weapons law on gun-related crime and violent deaths.

A last aspect to be discussed in this paper is how public opinion views firearms and stricter laws. Although in 2006 this question was not explicitly addressed during the preparatory parliamentary discussions, it became an important element in the debate because of the public outrage after the violent shooting in Antwerp. Yet, exactly how Belgian public opinion viewed the stricter gun law remained unknown. What are, in fact, the levels of support for the stricter gun regulations? Broad public support for firearms legislation is important for achieving societal impact in the longer term. In the last section of this paper we present the results of a survey we conducted in 2010 to explore the levels of support for the weapons law among the Belgian population.

Before we start reviewing the effects of the Belgian weapons law of 2006 in these different dimensions, however, it is useful to start with a concise account of how the law came about, and what major innovations it introduced in the Belgian gun control regime.

2 The Belgian Weapons Law of 2006

To understand the history of the Belgian weapons law of 2006, we must bear in mind that firearms regulation in Belgium - as in other countries with a long and renowned tradition of firearms production and trade - has long been the object of a certain political tug-of-war.¹⁰ This helps to explain why a new Belgian weapons law took time to materialize. Until the law of 2006 was passed, the possession and trade of firearms was essentially still regulated under the weapons law of 1933, albeit with several revisions of the Belgian gun control regime over the decades. Stricter regulations on particular types of guns were, for instance, implemented in the 1980s following a series of lethal raids by organized crime groups (the 'Brabant Killers') and terrorist attacks by the extreme left wing *Cellules Communistes Combattantes* (CCC). In 1989 Belgium became one of the first countries in Europe to establish a Central Weapons Registry (CWR); and in 1991, the old weapons law of 1933 was amended. But despite international developments such as the establishment of the Schengen Area and the European Community, it still took almost another decade and a half to arrive at a fundamental revision of Belgium's firearms legislation. The pressure for such a revision of the firearms control regime increased in the late 1990s and the early 2000s. Not only had the Belgian firearms legislation become a chaotic cluster of rules and regulations, but developments at the UN and EU level made a serious review of the Belgian firearms legislation necessary.

In the early 2000s, the question of a new weapons law was put on the political agenda. In 2001 and 2003, consecutive governments tabled proposals for a new law. Consultations with interest groups and gun lobbies, however, proved to be very troublesome as they were plagued by delaying tactics from various quarters. In February 2006, finally, a draft text of a new law was laid before parliament. The parliamentary debate had scarcely started when, on May 11th, a lethal shooting in Antwerp caused a huge sensation among the general public and media. Two persons, one of them a small girl, were killed, while another person was severely wounded. The shooter, Hans Van Themsche, had committed his acts with a freely-obtainable type of rifle. The shooting functioned as an 'electric shock' accelerating the approval of the new law. On 16, 17 and 18 May parliament debated and voted the new weapons law into effect. In the climate of public outrage caused by how easy it had been for Van Themsche to buy a firearm, only a few politicians dared to resist the rapid approval of the new law. Most of the politicians who traditionally defended the interests of the gun lobbies stayed silent. During the hearings in parliament, groups defending the interests of gun owners and firearms dealers still attempted to avoid a stricter law and proposed an alternative solution for making nearly all weapons subject to authorization, e.g. by waiting periods. They feared that the new legislation would negatively impact turnover and employment in the Belgian arms sector. Their efforts were, however, to no avail, and a new, stricter weapons law came into effect in June 2006. Many Belgian gun owners still speak of the weapons law as an egregious example of emotion-driven policy making.¹¹

Although the new law had been in the pipeline for some years, the actual enactment was pushed through so fast that technical problems in the implementation of the law - as well as widespread resistance among gun owners - were difficult to avoid. After intense political lobbying and a series of rulings by the constitutional court concerning legally problematic provisions in the new law, the Belgian weapons law was revised in 2008. These revisions touched upon important issues such as the cancelling of the five-year limitation on the validity of authorizations, and the introduction of the possibility of 'passive ownership of firearms' (i.e. without ammunition); but the major principles and the basic structure of the law survived the revision of 2008.

The law of 2006 introduced a new control regime for firearms which, in many respects, constituted a break with the past. Gun owners holding their guns under the conditions of the old law had to conform with the new regime and, in many cases, were obliged to apply for new licenses or renew their old ones. The law also introduced a new categorization of firearms. This categorization not only constituted a drastic about-turn in the Belgian context, but was also stricter than that prescribed by the European Firearms Directive. Under the law of 1933 firearms had been freely obtainable if they were not explicitly listed as forbidden or as subject to an authorization requirement. The law of 2006, on the contrary, states that the possession of all firearms requires a licence, except for firearms that are either categorized as 'prohibited' or as 'freely obtainable'. The latter category applies to de-activated firearms and to 'historical' or 'antique' weapons. This makes the law of 2006 considerably stricter than its predecessor. Furthermore, as prescribed by the European Firearms Directive, the new law introduced the principle of the 'good cause' for gun ownership. This principle constitutes one of the fundamental principles of the law because it strictly limits gun ownership to those persons who can prove they need their guns for specific purposes. These causes are explicitly listed in the law: hunting, sports and recreational shooting, collecting, participating in historical, cultural or scientific activities, practising a "risk profession", and personal protection¹. Importantly, the law of 2006 also lists a series of criteria that have to be fulfilled before a license can be obtained, such as not having been convicted for certain crimes, not having been interned as a mentally ill person, presenting a medical certificate proving mental and physical fitness, and succeeding in theoretical and practical tests. In addition, local police forces assess all applications for authorizations, and adults living with the applicant must attest that they approve of having a gun in their household. Other important stipulations in the Belgian weapons act concern rules for the sale and purchase, the marking and registering, and the safe storage and transportation of firearms.¹²

Belgium's weapons law now places it among the group of countries that regard civilian firearm ownership as a restricted privilege rather than a basic, constitutionally protected right. The restrictive character of the Belgian gun law shows itself in the fact that access to weapons considered ill-suited for civilian use is restricted or even prohibited; that a 'good cause' for gun ownership is required; and that a

¹ Under the Belgian law this last cause is interpreted very restrictively

series of checks on criminal record and mental fitness must be performed before an authorization can be issued.

3 A Legal Perspective: Compliance, Coherence and Efficacy

When Belgian policy-makers introduced a new weapons law in 2006, their major objectives included making national gun regulations comply with international standards; making the regime for firearms controls more coherent; and rendering it more effective in tackling current trends in gun crime and illegal trade in firearms.¹³ In this section we review the Belgian gun control regime in the light of these objectives. To what extent has the law of 2006 made Belgian firearms legislation more compliant with international norms, such as those prescribed by the European Firearms Directive? Has the introduction of the law of 2006 reduced the fragmentation and incoherence in Belgian gun legislation? And are the newly introduced gun controls effective in addressing current risks and trends in gun crime and illicit trade, or are there still loopholes that can easily be exploited by criminals?¹

Compliance with higher norms and standards is always an important criterion in legal assessments of gun regulations. Compliance can be defined in relation to higher national, e.g. constitutional, standards, but also to European or to international regulations. While in the US, debates about gun control easily lead into discussions about the meaning and the scope of the Second Amendment of the Constitution, for EU member states an important touchstone for national regulations is Firearms Directive 91/477. Any effort to review EU member-states' firearms laws must include an assessment of compliance with this European directive. One of the objectives of the introduction of a new Belgian weapons law in 2006 was precisely to harmonize Belgian legislation with the European control regime. As we saw in section 2 above, the law of 2006 introduced not only the principle of the good cause - an important element in the Directive - but also a coherent set of criteria with which gun owners must comply in order to acquire and possess firearms. The law further brought into effect a clear categorization of firearms, based on the categorization in the Directive. The provisions in the Firearms Directive concerning hunting and target shooting were meanwhile implemented in regulations enacted by the respective entities of the federal Belgian state and the regions responsible for hunting, and of the communities for target shooting. Since the introduction of the law of 2006, Belgian gun legislation thus complies to a very high degree with European regulation.¹⁴

¹ To critically assess the legal effects of the introduction of the Belgian weapons law of 2006 we used two methods. First, we conducted a thorough juridical analysis of the whole complex of Belgian firearms regulations, from the law itself to all executive decisions (in Belgium: *Royal Decrees*). Secondly, in 2010-2011 we set up a survey with 15 experts and stakeholders. Respondents were selected among the members of the Belgian Advisory Council for Firearms ("*Adviesraad voor Wapens*"), an advisory board established by the law of 2006 and made up of representatives from government agencies and interest groups. The objectives of the survey were to evaluate the Belgian control regime that came into being in 2006, and to map out remaining points of discussion and incoherencies in the existing legislation. The survey was executed online and consisted of two rounds of questions. In the first round the respondents were given a structured questionnaire with open questions and were asked to give their perspective on approximately 10 different aspects of the Belgian gun legislation. Because the respondents were asked to provide reasons for their answers, we were able to distinguish between different lines of motivation and argumentation. We used these answers for the second round of the survey, in which we asked the respondents to respond to the arguments of the other respondents.

Until May 2013, however, there was one notable element in the Belgian legislation that raised the question of whether it was fully in line with the European Firearms Directive. Because it had a wider bearing in the European context, it is interesting to briefly dwell on this issue. Until 2013 Belgium had a liberal regime for weapons that were considered as 'historical' firearms. Article 3 of the new weapons law categorized historical guns as 'freely obtainable weapons'. Arms in this category - which, besides 'historical' firearms, also comprised de-activated guns and alarm pistols - could be purchased by any adult, without a licence, without background checks, and without the obligation to register them in the Central Weapons Registry. Ammunition for these weapons, however, could not be legally purchased without a proper licence. Precisely which types of firearms were considered as historical weapons was laid down in a Royal Decree of 20 September 1991 (revised many times since), an implementing regulation attached to the weapons law. This decree first defined as 'historical' weapons those firearms that exclusively use black powder as propellant. The crucial year here is 1895, when smokeless powder came on the market.¹ Under Belgian legislation, all weapons manufactured before 1895 were considered to be historical and thus freely obtainable firearms. Secondly, two lists were attached to the Royal Decree, one in 1991 and the second in 2007, after the introduction of the new weapons law. These lists included a whole series of smokeless powder guns which, because they were considered to be old and rare and because ammunition for these guns was deemed difficult to find, were thought to pose no risk for public safety. All guns on this list were freely obtainable, although purchasing ammunition for these weapons, and actual shooting with them, was forbidden without a licence.

After 2007, a number of critics started to contest this regime because some of the 'historical' firearms on these lists posed various practical problems. Although their design might date back more than 100 years, some of these guns were produced more recently, and some of them were never used but stored for decades. Often, ammunition for these guns was not too difficult to find either. Not surprisingly, police officers began finding some of these guns in the hands of criminals. In the Netherlands a person was shot dead with a gun listed on the Belgian list of historical firearms.¹⁵ Moreover, because Belgium had a more liberal regime for these weapons compared with the neighbouring countries, the cross-border trade in these guns increased significantly. Statistics on the import of firearms show that various types of 'historical' guns started to flow into the Belgian market in the years following the introduction of the 2006 law. This resulted in a sort of 'weapon tourism', whereby foreigners came to Belgium to buy these types of guns and take them home without a transfer license and without applying for an authorization in their own country. Thus the Belgian legislation on historical weapons was the cause of problems with illegal possession of firearms in other member states of the EU.¹⁶ Finally, critics argued that, in light of the categorization of weapons in the European Firearms Directive, some of the guns on the Belgian historical firearms list (such as a Nagant revolver and the Mauser k98) should not have been considered freely obtainable weapons but, as firearms falling in the categories B or C of the Directive, should have been subject to licensing or at least registration. According to these critics, these types of

¹ Before the revision of the decree in 2013 the year of reference was 1897.

'historical' weapons could not be considered as 'antique' weapons that would fall outside the scope of the Directive according to its annex 1.III. The Directive leaves such antique weapons to be regulated by national law unless, as is stated in the annex, these weapons have been included "in the previous categories", by which are presumably meant the Directive's categories A, B, C and D.

At this point, the Belgian juridical-technical discussion about historical weapons becomes interesting in a broader European perspective. What types of handguns and rifles can be considered as antique, and as such, should not be subject to authorization or registration? The problem is that the Firearms Directive itself does not provide a definition of antique weapons. Many national laws use a date to define what constitutes an antique firearm, but the definition is different in every country. There are also dates to be found in EU documents other than the Firearms Directive, but these dates vary from text to text. According to a 2000 report from the European Commission on the implementation of the Directive, the Schengen acquis in Article 82 mentions the date of 1870.¹⁷ Another date is mentioned in EU Regulation nr. 258/2012 of the European Parliament and of the Council of March 2012 implementing Article 10 of the UN's Firearms Protocol, which states in article 3 (f) that the regulation does not apply to "antique firearms", "provided that antique firearms do not include firearms manufactured after 1899". And yet another date can be found in the Common Military list of the EU, which states that revolvers, pistols and machine guns manufactured earlier than 1890 are not covered by Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment.

Our discussion of the issue of historical weapons in Belgium shows why it is important to regularly review gun legislation. It makes clear how national regulations are linked with European standards and how compliance can become a topic of discussion. But this case is also interesting because it shows the importance of assessing gun laws in terms of their legal coherence and efficacy. Our legal review of the Belgian weapons law of 2006 found that the issue of historical weapons had far-reaching consequences. It showed how differences in national firearms regulations, and the occasional lack of clarity in European legislation, can lead to increased illicit circulation of guns across European borders, and even to exploitation by criminals as they look for firearms wherever they find national procedures most flexible. Thus, as a consequence of the liberal Belgian regime for historical weapons, a weapons tourism developed in Belgium after 2006. In the wake of the public shooting in Liège in December 2011, the Belgian government announced it would revise the regime for historical weapons. In May 2013 the lists of smokeless powder guns attached to the Royal Decree of 1991 were both abolished. Since that time, only historical weapons produced before 1895 (using black powder) and definitively deactivated guns have been obtainable without an authorization.

Gun legislation by nature involves a myriad of (often very) technical rules and stipulations. Due to subsequent policy interventions and amendments in various sub-fields of firearms regulation, legislation can easily become quite chaotic and muddled. This risk is even greater in federal states such as Belgium,

where numerous different authorities are responsible for firearms regulation: the federal level for the acquisition, possession, transport and storage of firearms; the regional authorities for the control of arms transfers and for the use of firearms in the context of hunting and target shooting. This is another reason for regularly reviewing gun laws. In terms of coherence, the 2006 legislative change constituted a major leap forward. Belgian gun legislation still retains a highly technical character – the number of decrees implementing the law, for example, is considerable – but overall, and definitely in light of the pre-2006 situation, the new law constitutes a significant break with the past. The issuing of authorizations has been made more uniform, a clear and coherent set of criteria are provided for checking applications for gun permits, the categorization of weapons is more stringent and coherent than before 2006, and the principle of linking the acquisition and possession of firearms to a ‘good cause’ constitutes the cornerstone of the control regime.¹⁸

A third important element in legal assessments of gun legislation is their efficacy. Are regulations capable of effectively addressing particular risks and problems (such as accidents, specific types of gun crime such as armed robbery, firearms trafficking, etc.), or do they show lacunae and loopholes that can be exploited by criminals or may result in increased risks? Although more research on the fight against illegal firearms is needed to arrive at solid conclusions, the weapons law of 2006 seems to have improved the efficacy of the Belgian gun control regime. Compared with the situation beforehand, the law provides clearer and more detailed regulations for controlling the legal acquisition and possession of firearms as well as better instruments to combat the illicit trade in and use of guns. An important point to highlight, however, is that the assessment of the efficacy of gun laws is necessarily an on-going process. Criminals are adept in constantly looking for loopholes and finding new ways to exploit weaknesses in legislation. Tracking and possibly amending these loopholes is therefore a continuous work-in-progress.

As such assessments may lead to policy interventions and changes in the law, they can also have repercussions for legitimate gun owners who must adapt and conform to new legislation. Faced with new regulations, gun owners often argue that their activities are not the problem, and that gun policies should not focus on legitimate gun owners but on illegal users, arms dealers and criminals. It is certainly true that policies tackling illegal firearms should not focus exclusively on regulatory change; but it is important to grasp that gun laws regulating the legal trade and use of firearms are also about combating illegal trade and gun-related crime. In the last analysis, these laws not only seek to separate the sphere of legal possession and use of firearms from the sphere of illicit and criminal misuse, but they also create possibilities for prosecution. In order for certain phenomena or acts to be illegal, there have to be regulations on the books that define them as such in the first place.

4 Gun Possession

One of the objectives of stricter gun laws is often to limit the accessibility of firearms and reduce the number of guns circulating in society. This was also the case with the Belgian weapons law of 2006.¹⁹ Behind this objective lay the assumption that the availability of firearms is positively correlated with gun-related violence and violent death. By restricting access to guns, Belgian policy-makers hoped to reduce the level of gun crime and the number of homicides and suicides. We shall revert to these assumptions in sections 6 and 7 when we assess the results of the law's effort to reduce levels of gun-related crime and violent death. In this section we focus on the objective of the 2006 weapons law that sought simply to reduce the level of private gun ownership in Belgium. Have rates of gun possession in Belgium indeed decreased as a consequence of the law of 2006? To assess the law's effects in regard to this objective, reliable data on gun possession must be collected both from the period before the change in legislation, and from after the change. This is no easy task.

There are several ways to collect information on the number of guns in a society. An initial option is to look at *expert estimates*. Based on data about the production, trading and sales of firearms, researchers try to estimate the number of guns present in society. In 2007, for example, the Small Arms Survey published a detailed assessment of the global distribution of factory-made civilian firearms. It estimated that, worldwide, nearly 79 million firearms were known to be held by state authorities, while civilians were estimated to hold approximately 650 million guns. According to the Small Arms Survey, Belgium ranked as 34th in the world for its level of civilian gun ownership. The number of firearms in civilian possession in Belgium was estimated as between 1.5 million and 2.1 million firearms, of which 870,000 were said to be registered - an average of 17.2 firearms per 100 people. This estimate was probably based on a figure frequently cited in Belgium, not only in the media but also in press communiqués of the Council of Ministers of Belgium (December 2005)²⁰ and in the explanatory notes of the weapons bill tabled in the Belgian Federal Parliament in February 2006.²¹ The problem is that the source and the method applied to arrive at this estimate remain unclear.²² Moreover, this estimate does not help us to explore the impact of the change in legislation since we cannot compare it with previous or later estimates.

For the purposes of this paper we therefore need to look at other data. Interesting data sets are provided by *government agencies* such as the Central Weapons Registry of the Belgian Federal Police and the provincial administrations responsible for issuing gun licences. Their data make it possible to track – over time – the number of registered gun owners and the number of registered guns, and to a certain extent also, the number of guns handed in or regularized during the amnesty and collection campaigns set up after enactment of the new Weapons Act. The Belgian Central Weapons Registry (CWR) was established in 1989, making Belgium one of the few countries to have kept a national

electronic firearms registry for such a long period.¹ The CWR was set up as a data-filing system with information on the ownership and transfer of firearms. It holds information not only on the firearms themselves, but also on their possessors and on 'authorized persons' such as arms dealers and collectors.²³ Since its inception, the Belgian CWR has been plagued by various problems. In 2004, the Permanent Oversight Committee on the Belgian Police Services conducted an investigation into the CWR and its troubles. This investigation revealed that an estimate of 21% of all legally acquired guns had not, or not yet, been recorded in the CWR and that 30% of all the records contained errors relating to the description of the gun or to the personal details of the gun owner. As a consequence, the Committee concluded that the CWR was unreliable and not useful as an operational or policy tool at that time.²⁴

Since then, various attempts have been undertaken to correct errors in the records and to optimize the input of data. In 2009-2012 a new software system was implemented. In spite of these attempts, as a result of years of neglect and problematic data-entering, statistics based on the CWR need to be interpreted with due caution. Aside from these problems, the CWR has additional limitations when used for calculating gun possession rates. First and foremost, it does not contain data on all categories of firearms. The CWR only records information on firearms that are subject to authorization or registration: freely obtainable guns, which are not subject to authorization or registration, are not recorded. Given that in recent years large numbers of freely obtainable weapons have been sold in Belgium (see above), calculations based on the CWR underestimate the total number of firearms in society. Secondly, the CWR only registers firearms that were legally acquired. These limitations notwithstanding, the CWR provides useful data about gun ownership in Belgium.

Data obtained from the Belgian Federal Police indicate that in March 2010, 409,602 persons were registered in the CWR as gun owners. Together these owners possessed 740,444 firearms. This means that at that time, at least 3.8% of the Belgian population possessed a firearm and that there were at least 6.8 firearms for every 100 persons in Belgium. Despite the fact that the CWR in principle only registers legally acquired firearms, not all of the 740,000 firearms that were recorded in the CWR in 2010 were legally held. The CWR still contained firearms that were lawfully registered before the introduction of the law of 2006, but were not regularized according to the rules of the new legislation. They had thus become illegal, and in principle their owners could be tracked down by the police. The data from the CWR further show that rates of gun ownership in Belgium differ significantly between the northern part and the southern part of the country. While the rate of gun ownership is between 2.6% and 3.6% in the Flemish provinces, this rate fluctuates between 4.7% and 6.7% in the Walloon provinces. A similar pattern can be observed when looking at the number of registered firearms per 100

¹ The 2008 revision of the EEC Council Directive 91/477 on the control of the acquisition and possession of weapons stipulates that all member states must establish by 31 December 2014, and then maintain, a similar computerised data-filing system in which all firearms subject to the Directive will be recorded. See article 4, Council Directive 91/477/EEC of 18 June 1991 as revised in 2008, which reads: "This filing system shall record, for not less than 20 years, each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm."

inhabitants, with 4.2 to 6.3 registered guns per 100 persons in the Flemish provinces and 8.1 to 12.6 registered guns per 100 persons in the Walloon provinces.²⁵

Table 1: Number of registered active gun owners and active guns in the Central Weapons Registry, October 2006 and March 2010

	October 2006	March 2010
Number of active gun owners	393,704	409,062
Number of active guns	787,858	740,444
Number of guns per type of licence/authorization:		
- Item in an authorized collection	13,671	22,118
- 'Defence gun' / 'military firearm' ⁱ	580,243	362,400
- 'Hunting or sporting rifle' ⁱⁱ	187,471	95,274
- 'Found' gun	8	40
- Confiscated gun	1	4
- One-year licence under new weapons law ⁱⁱⁱ	71	857
- Licence under weapons law 2006	202	104,893
- Hunting permit ^{iv}	5,874	115,757
- Target shooter's licence ^v	3	27,000
- Special hunting guard permit	-	461
- Historic/folkloric events	-	289
- Licence without ammunition		11,346

Source: Central Weapons Registry of the Belgian Federal Police

Because we obtained data from the CWR for October 2006 as well as for March 2010, it is possible to track the evolution in gun possession rates following the change in legislation in 2006 (see table 1). These data show that between 2006 and 2010 the number of registered gun owners increased by 4%. Aside from the number of new owners registering their weapons during these years, the increase in registered firearms possessors might be explained by the fact that, following the change in legislation, a number of gun possessors regularized their weapons and were thus registered in the CWR. These figures might suggest that the law of 2006 did not succeed in its ambition to reduce the level of gun ownership, but when we look at the number of registered firearms, a more complex picture emerges. The CWR data show that between 2006 and 2010 the number of registered firearms dropped by 6% from 787,858 to 740,444. Interestingly, the changes in levels of registered guns between 2006 and 2010 differed from province to province. While we can observe a significant drop in registered firearms in all

ⁱ Category of the old weapons law of 1933.

ⁱⁱ Category of the old weapons law of 1933.

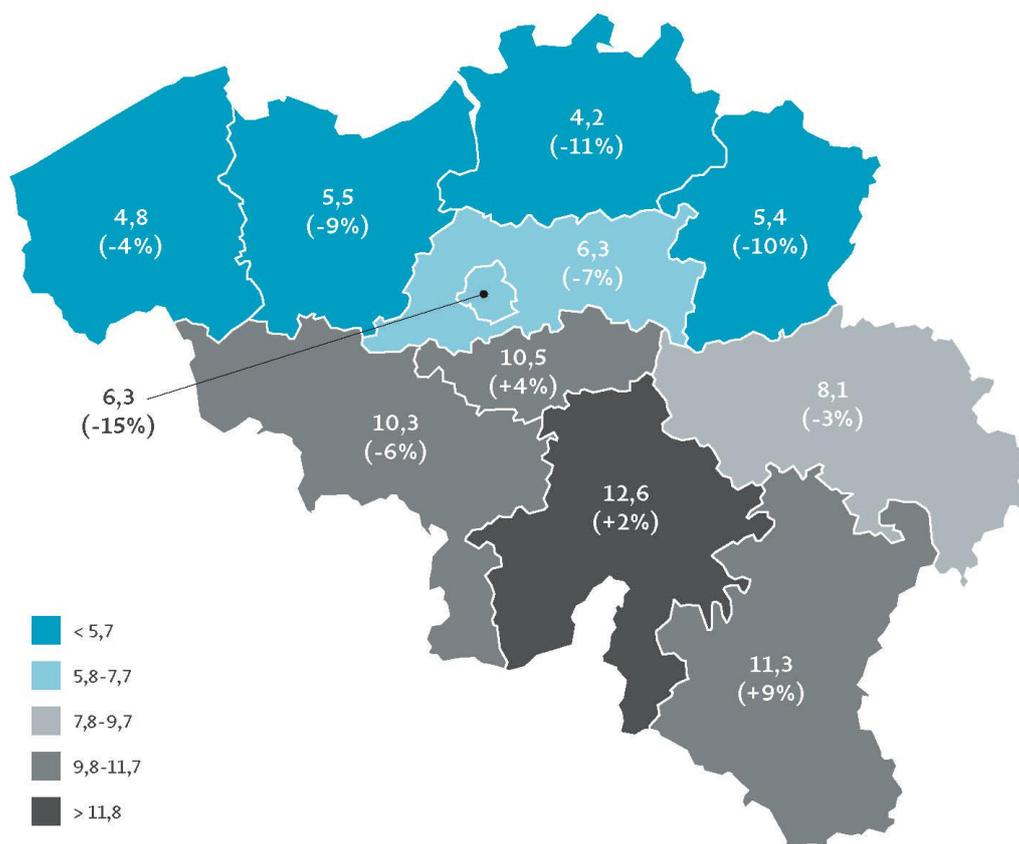
ⁱⁱⁱ The transitional measures as outlined in the Weapons Act of 8 June 2006 stipulated that a temporary one-year licence could be granted for guns that became subject to an authorization as a consequence of the new law, but which had been purchased after January 1st, 2006 (see article 44, §2, 3rd section, Weapons Act). The legislators considered the period after 1 January 2006 as a risk period because hunting rifles and sporting rifles (freely obtainable under the old law of 1933) might have been acquired during this period by individuals aware of the fact that a draft for a stricter law had been tabled in parliament.

^{iv} The law of 2006 makes it possible for hunters to acquire certain types of firearms with their hunting permit, i.e. without obtaining an individual licence per gun. These guns have to be registered in the CWR.

^v The law of 2006 makes it possible for target shooters to acquire certain types of firearms with their shooter's licence, i.e. without obtaining an individual licence per gun. These guns have to be registered in the CWR.

Flemish provinces, this is not the case in all Walloon provinces. In the provinces of Luxembourg and Namur we can even observe an increase in registered firearms (see figure 1).

Figure 1: Number of firearms per 100 inhabitants in 2010 and trend in total numbers of firearms between 2006-2010, by province of Belgium



Source: Central Weapons Registry of the Belgian Federal Police

On the one hand, the decrease in the total number of registered firearms is probably the result of stricter legislation: it has become harder to possess firearms since 2006. On the other hand, the decrease might also be a result of the collection (and amnesty) programme set up in Belgium after the new law's introduction, encouraging Belgian gun owners to hand in their weapons. Assessing the exact impact of the collection programme is difficult, however, for want of good data. For example, the authorities responsible for the programme did not use uniform registration methods. Some did not even keep records of the quantities of guns that were handed in. Neither the type nor the legal status of collected weapons, moreover, was registered, which makes it impossible to know how many legal and how many illegal guns were handed in. Based on the limited data available from the programme, all we can estimate is that more than 200,000 firearms were collected and later destroyed.²⁶ Although we

cannot exclude an increase in gun sales in recent years, the difference between the more than 200,000 firearms handed in and the decrease of 47,000 registered firearms in the CWR can probably be attributed to two factors. First, it is possible that a large number of the guns that were handed in were held illegally and had never been lawfully registered. Second, it is also possible that in 2006 a number of firearms were regularized – and duly registered – that had previously never been registered either because they were acquired before 1989, because no registration was needed, or because they were acquired illegally.

Whatever the case may be, the data for the period 2006-2010 show a decrease in the number of registered firearms. In that respect the law of 2006 seems to have been successful in its ambition to reduce the number of firearms in the hands of private citizens. Of course, the available data only allow us to track the trend in *registered* firearms. Because the authorities did not keep records on the legal status of the guns handed in during the collection programme, it is impossible to track trends in the numbers of *illegally* held firearms. Since the 2006 law made more types of firearms subject to licensing and registration, it is likely that the number of illegal firearms increased, because an unknown number of gun owners chose not to regularize their weapons (see chapter 6). This may also have happened in 2013 when the regime for historical firearms - previously freely obtainable and not subject to registration - was drastically restricted. How many of these weapons, which before 2013 were held legally, have become illegal is impossible to know because they were never registered in the first place.

The analyses above show that official registries and records provide fruitful, if limited, data for exploring trends in rates of gun ownership. There is, however, still another way to explore trends in gun possession rates. In *self-report studies* respondents are asked whether they own a gun or whether a gun is present in their household. Although these self-report studies can have problems of reliability and validity¹, they can also prove very useful if the surveys are well-organized and the results are interpreted with the necessary caution. In 2013, a Eurobarometer survey specifically polled EU citizens' opinions with regard to firearms.²⁷ The results indicated that 5% of the EU's total population own a firearm and another 5% used to own a firearm. Large differences in gun possession rates can be observed between different EU Member States. Belgium has a rather average gun possession rate with 3% of the polled respondents claiming they own a firearm and 7% claiming they used to own a firearm. When those who possess or used to possess a firearm were asked for what reasons they did or had done so, the main

¹ There are a number of methodological pitfalls and limitations linked to this method. Having firearms in the house may, for instance, be perceived by respondents as sensitive behaviour which may lead to a social desirability bias, although American studies comparing self-reported personal gun ownership with data from administrative records have revealed low false-negative rates. (See Kellerman, A.L., Rivara, F.P. & Banton, J. (1990), Validating survey responses to questions about gun ownership among owners of registered handguns, *American Journal of Epidemiology*, 131:6, p. 1080-1084; Rafferty, A.P., Thrush, J.C., Smith, P.K. and McGee, H.B. (1995), Validity of a Household Gun Question in a Telephone Survey, *Public Health Reports*, 110:3, p. 282-288.) If surveys ask about guns present in households, a problem is that respondents may misreport on guns kept by other household members. More specifically, women tend to underreport guns present in their home, or may even not be aware that firearms are kept by others in their household. (See Ludwig, J., Cook, P.J. & Smith, T. (1998), The Gender Gap in Reporting Household Gun Ownership, *American Journal of Public Health*, 88(11), p. 1715-1718). These limitations notwithstanding, self-reporting offers a useful method to estimate rates of gun possession.

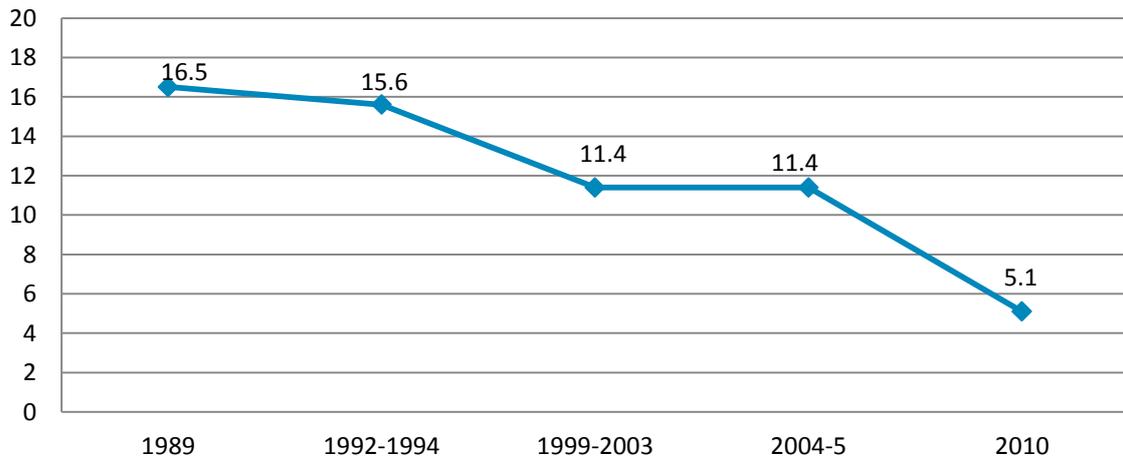
reason given was personal protection (43%), followed by hunting (24%), sports (22%), and ownership for professional reasons such as police (21%).

Longitudinal self-reporting data from the International Crime Victims Survey (ICVS)ⁱ allow us, to a certain extent, to identify trends in gun possession rates between 1989 and 2005 for a number of European countries including Belgium. For Belgium, we can complement these ICVS data with data from a 2010 survey which the Flemish Peace Institute conducted among a representative sample of over a thousand Belgians, and in which the same gun ownership question as in the ICVS was used ("Do you or a member of your household own a firearm?").ⁱⁱ If we look at the answers to this question from the 2004-05 ICVS together with those in the 2010 Flemish Peace Institute survey, it seems that between 2004-5 and 2010 the percentage of households owning firearms was cut in half. These results suggest a more drastic decrease in the level of gun ownership than that indicated by data from the Belgian Central Weapons Registry. They would imply that following the introduction of the stricter gun law in 2006, ownership levels in Belgium declined quite sharply. If we look at the ICVS data for the years before the introduction of the law, however, we find that this decrease can probably not be attributed exclusively to the new arms legislation. According to the full data series, the reduction seems to fit into a longer-term trend of decreasing gun ownership in Belgium: in the last two decades, the number of persons in Belgium reporting that they have a firearm in their household fell significantly from 16.5% in 1989 to 11.4 in 2004-05, and 5.1% in 2010 (see figure 2). Given this long-term decrease, it is no surprise that in the 2013 Eurobarometer survey the group of respondents reporting that they used to own firearms was more than twice as large as the group of current gun owners. Despite this long-term fall in the rate of gun ownership in Belgium, the remarkable drop between 2004-5 and 2010 might support the hypothesis that the introduction of a stricter law in 2006 significantly accelerated the long-term decrease.

ⁱ The *International Crime Victims Survey* (ICVS) is an international victimisation survey established to generate international comparative crime and victimisation data. It is a phone survey that is organized on a regular basis, first conducted in 1989 and repeated in 1992, 1996, 2000, 2004-2005 and 2010. For the various rounds of the survey, a total of more than 300.000 respondents in thirty countries were interviewed about their experiences with crime and victimization. One of the questions in the survey was whether there was a gun present in the respondents' household. Although this type of question poses a number of methodological problems – e.g. because of the tendency of respondents to give socially desirable or evasive answers – the results are interesting and indicative, not least because they allow a comparative insight into gun ownership from an international perspective.

ⁱⁱ In 2010 the Flemish Peace Institute commissioned a survey among a representative sample of over a thousand Belgians. The survey was conducted in September 2010 and included the same question on firearms possession in the household as in the ICVS-surveys ("Do you or a member of your household own a firearm?"). This survey was included in an anonymous omnibus survey, with questions on a wide range of themes, in order to avoid socially desirable answers as far as possible.

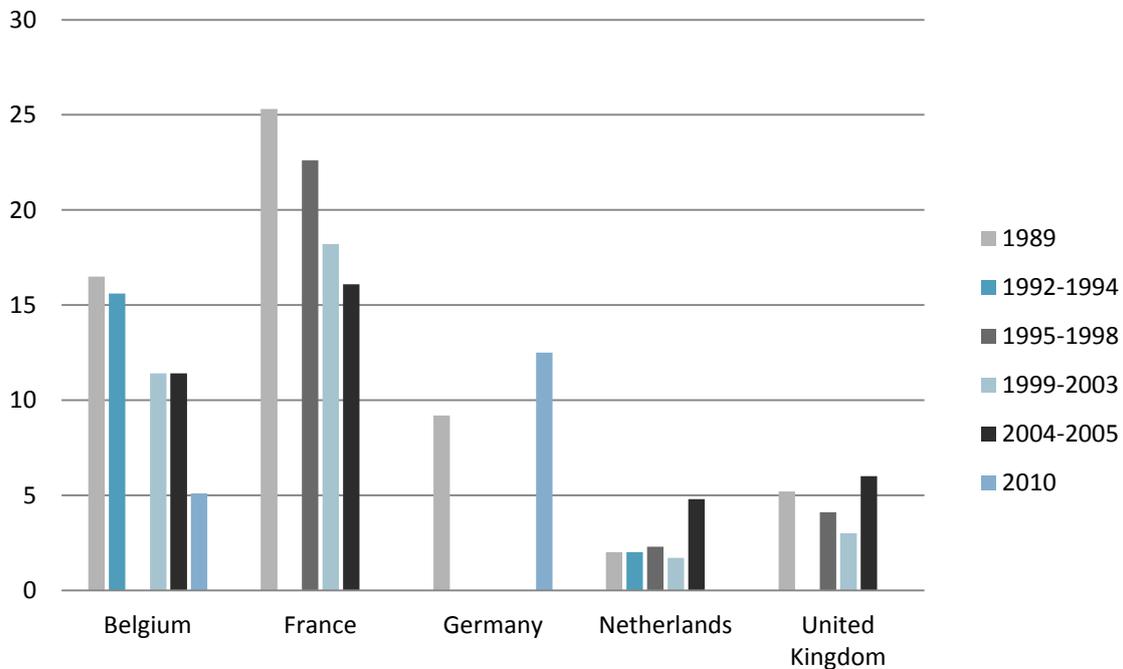
Figure 2: Share of households who own a firearm in Belgium, 1989-2010



Source: ICVS²⁸ and Duquet & Van Alstein²⁹

A comparison with neighbouring countries shows that the decrease in gun ownership levels in Belgium is not part of a wider trend in Western Europe (figure 3). No general trend of increasing or decreasing ownership in these countries can be observed; different countries show different developments.³⁰ Over the last two decades only France has witnessed a similar decrease in gun possession, while in Germany, the Netherlands and the United Kingdom gun ownership has increased.

Figure 3: Share of households who own a firearm in Belgium and neighbouring countries, 1989-2010



Source: ICVS³¹ and Duquet & Van Alstein³²

5 Arms Dealers and the Civilian Market for Firearms

At the time the Belgian weapons law was discussed in parliament in 2006, representatives of the firearms industry voiced their concern that the stricter law would have a negative impact on the economic viability of the sector.³³ The law introduced stricter regulations for arms dealers and restricted the accessibility of guns for private citizens. In the years following the enactment of the new law, representatives of the sector repeatedly claimed that the law had had a negative impact on the civilian market for firearms. In their view, many - especially smaller - firearms dealers had to stop their activities because of the stricter regulations.³⁴ In this section we look at the available data to try to establish what effects the weapons law has had on the civilian market for firearms in Belgium.

The Belgian firearms sector consists of a limited number of manufacturers and a larger group of arms dealers. The main producer of firearms in Belgium is FN Herstal, specializing in military firearms that are mainly exported to armed forces and law enforcement agencies abroad. Besides FN Herstal, there are a number of smaller, artisanal workshops manufacturing firearms, and mainly producing luxury hunting weapons. Data from the Belgian Ministry for Economic Affairs show that in 2013, 39 enterprises were registered as manufacturers of firearms or ammunition. Most of these enterprises are located in the southern part of Belgium³⁵, especially in the Liège area. The bulk of firearms held by civilians in Belgium, however, are not produced in Belgium but imported by arms dealers.

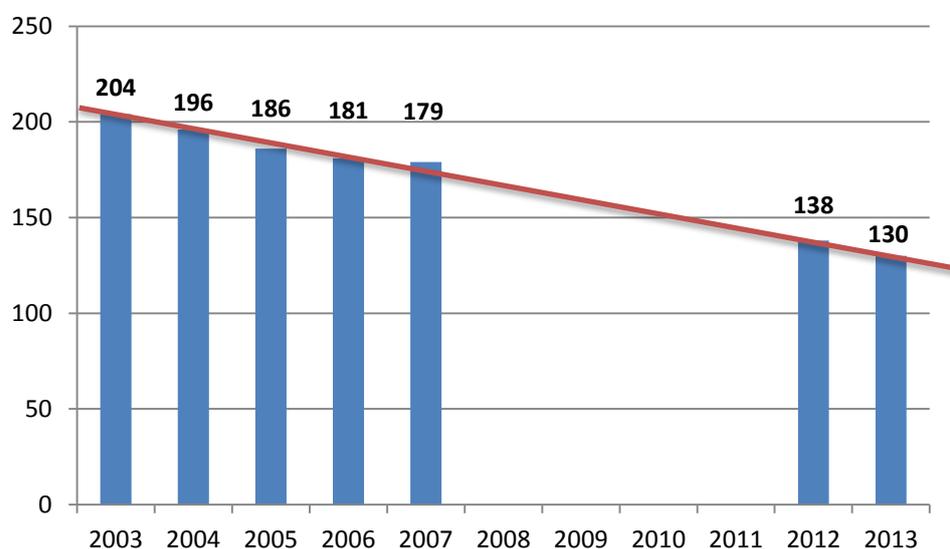
It is difficult to estimate the economic value of the domestic trade in civilian firearms. Data on the turnover of Belgian arms dealers are not publicly available. What we know from Ministry of Economic Affairs data is that in 2013 there were 130 retailers dealing in firearms.³⁶ These dealers have varied profiles. A small number of specialized arms dealers focus mainly on the market for armed forces and law enforcement agencies. In Belgium, the various police districts are responsible for the acquisition of their own weapons and ammunition. Often they negotiate the acquisition of new firearms directly with specialized arms dealers who represent the main international firearms producers. Most arms dealers in Belgium, however, focus on the civilian market. These dealers sell firearms for both hunting and target shooting activities. In recent years a number of dealers have focused on the trade in historical weapons, which until May 2013 were freely obtainable (see above). A small number of arms dealers focus on the rather small market of recognized arms collectors.

As with the acquisition and possession of guns by private citizens, the trade in firearms is strictly regulated. The law of 2006 stipulates that arms dealers need an authorization to trade in firearms, their components, or ammunition. This authorization is linked to a series of conditions, such as not having

been convicted for a range of criminal offences, and passing a test of both practical and legal knowledge about firearms. The buying and selling of firearms, moreover, is strictly regulated. Dealers have to check whether buyers have obtained the necessary licences, and all transactions involving firearms need to be registered. Firearms sales over the internet are prohibited.¹

The question now is what effect the weapons law of 2006 has had on the domestic trade in firearms. As we noted, data on the exact turnover of Belgian arms dealers are not publicly available, so we need to use other sources. First, we can look at the number of authorizations for arms dealing activities granted by the authorities. Besides buying and selling, these activities include manufacturing and repairing. In 2006, there were approximately 600 authorized arms dealers in Belgium. In 2014, the number of authorizations was 534.³⁷ This means that in the years following the introduction of the stricter law, the number of authorized arms dealers decreased by approximately 10%. A second set of data reflects a similar decrease. Figures from the Ministry of Economic Affairs show that in 2013 there were 130 retailers dealing in firearms, compared with 181 in 2006. It is important to note, however, that this decrease in firearms retailers had already started in the years before introduction of the new firearms legislation - in 2003 there had been 204 retailers - and that the rate of decline did not accelerate after 2006 (see figure 4). Other factors than the new weapons legislation thus seem to be at play in explaining the decrease in the number of arms dealers.

Figure 4: Number of arms dealers in Belgium, 2003-2013



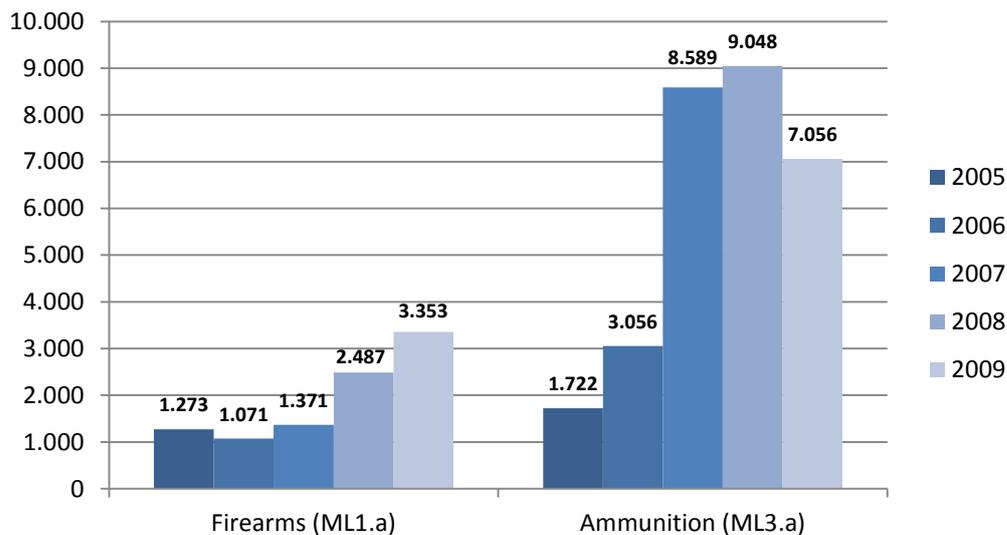
Source: Federal Department of Economic affairs³⁸

Although we have no insight into trends in the turnover of Belgian firearms retailers and dealers in the period before and after adoption of the new legislation, it seems probable that a number of arms dealers have lost turnover due to the new law, while others profited from this situation. This hypothesis

¹ The internet can only be used for advertising the sale of firearms, components or ammunition.

is supported by an analysis of the licensed import of firearms and ammunition into Belgium, which shows that the value of licensed import of firearms and ammunition increased strongly in the years following the introduction of the new weapons legislation. The most detailed information on licensed firearms imports is available from the Flemish Region: between 2005 and 2009 the value of licensed imports of firearms rose from €1.8 million to €4.7 million, and the value of licensed imports of ammunition increased from €1.7 million to €7.1 million.³⁹

Figure 5: Value of licensed imports of firearms (ML1.a) and ammunition (ML3.a), Flemish Region, 2005-2009 (in million €)



Source: Duquet, N. (2010), *Flemish foreign arms trade and trade in dual-use items 2009*, Brussels: Flemish Peace Institute

The increase in value of licensed ammunition imports might partly be the result of the new weapons legislation of 2006. New regulations prescribe that to qualify as a sport shooter, a person must go shooting at least 12 times a year; thus more ammunition will be needed than before. The increase in the value of licensed firearms imports can be attributed to several factors, one being the increased demand for historical firearms. In 2007, this category of freely obtainable weapons was substantially enlarged. More firearms were considered to be historical weapons, and as a result the demand for these guns increased strongly. A number of arms dealers responded to this increased demand by importing large quantities of these firearms and selling them to national and foreign citizens.⁴⁰ One of the places these firearms were sold were arms fairs. The police observed that large numbers of foreigners came to these fairs to acquire historical firearms and to take them back to their home countries without the necessary licences. A kind of “weapons tourism” thus developed, and Belgium became a significant source for illegal firearms possession in other European countries. As explained above, the Belgian authorities reacted by enacting a more restrictive control regime. The number of freely obtainable historical weapons was drastically reduced and arms fairs were subjected to stricter regulations.⁴¹

We can conclude that while both the number of authorized arms dealers and the number of firearms retailers have decreased in the years following the introduction of the 2006 weapons law, a similar trend cannot be observed when looking at data for the import of firearms and ammunition. On the contrary, the import of firearms and ammunition seems to have boomed in the years following implementation of the new legislation. To make the picture more complicated, the decline in the number of firearms retailers already had started in the years before the introduction of the new legislation and did not accelerate after 2006. This suggests that in order to explain the decrease in the number of arms dealers and retailers, we need to look at other factors besides the introduction of the stricter law. One such factor might well be the trend discussed in section 4 above, namely a long-term general decline in the number of households possessing firearms in Belgium. Since the beginning of the 1990s, the number of firearms has decreased significantly, which might have had an impact on the civilian market for firearms. Given the limited data, however, it is difficult to weigh the precise impact of this explanatory variable compared with the effects of the stricter gun law of 2006.

6 Gun Crime

A question central to many discussions about stricter gun laws concerns the possible effects these laws have on gun-related crime and violence. Is a stricter gun law an effective tool to reduce crime levels? The question provokes very different answers among various stakeholders in the debate. When Belgian decision-makers enacted the stricter law of 2006, one of their objectives was “to better secure society”, not only against violence in the domestic sphere but also against gun-related crime and illegal arms trade.⁴² Assessing whether the law of 2006 indeed had the effect of reducing levels of gun-related crime is a difficult and complicated endeavour for a number of reasons. First, it is not easy to collect sound and sufficiently detailed data. Besides victim surveys, crime statistics are an obvious source of information when seeking data on crimes involving firearms. Official crime statistics indeed offer many possibilities for analysis, but they have some clear limitations. It is difficult, for example, to ascertain whether trends in crime statistics reflect real trends in criminal phenomena, or trends in reporting efforts and the policies of law enforcement agencies. A significant proportion of firearm-related crime, moreover, generally goes unreported. In the case of crimes such as hold-ups and homicides, crime statistics often also remain silent on the legal status and type of guns that were used in the recorded crimes.⁴³ Another problem with crime statistics is that they often report gun-related crime in broad categories. In studying gun-related crime, however, it is important not to lump ‘gun crime’ together as if it were a single, unified phenomenon. Firearm-related crime has many aspects and covers many different offences, ranging from illegal possession and trafficking to armed robbery and murder with a gun.⁴⁴

A second reason why research into the effects of stricter gun laws is difficult is that crime is an over-determined phenomenon. Besides stricter gun laws, other variables have a bearing on trends in violent crime. Many socio-economic and cultural factors must be taken into account to explain trends in crime and violence within societies. The effects of stricter regulations can, moreover, be overshadowed by other trends in crime. The potential impact of gun control measures can be weakened or strengthened by other trends in gun trafficking and criminal use. In his studies into the effects of stricter UK gun legislation, notably the handgun ban of 1998, Peter Squires for example has argued that the legal changes occurred at a time of rising criminal use of handguns and significant influxes of imitation firearms. For four years, he notes, these trends overwhelmed the impact of the handgun ban. In the longer term, however, gun crime in England and Wales has seen significant year-on-year reductions.¹

¹ The UK handgun ban is an interesting case since the conventional wisdom is that, given a notable increase in ‘gun crime’ in the years immediately following the ban, the stricter UK legislation has not worked. Squires, however, after carefully breaking down the available statistics, takes a more nuanced view. His argument that conversion and imitation weapons may have clouded the picture is interesting and points to the importance of sufficiently detailed data on gun-related crime. In the UK, a significant number of ‘gun’ crimes are committed with ‘unorthodox’ firearms types (imitation handguns, converted imitation handguns, re- and deactivated firearms, converted air pistols, etc.). This may point at a form of ‘weapon displacement’ and could suggest that the UK’s firearms regulations may constrain the ability of criminals to obtain more lethal firearms. See Peter Squires (2008), *‘Gun Crime’. A review of evidence and policy*, London: Centre for Crime and Justice Studies, p. 11 and

For all these reasons, conclusively demonstrating the causal effects of stricter gun laws on crime and violence is a difficult and challenging task. These difficulties are reflected in the literature on gun control and crime. Reviews of the existing (and still predominantly American) research do not yet provide sufficient evidence to arrive at solid conclusions on whether and how firearms laws affect violent crime.⁴⁵

What concerns us here are the effects of the Belgian law of 2006 on gun-related crime. The problem, however, is that the difficulties we signalled above are so pronounced in the Belgian case that it is nearly impossible to arrive at conclusions regarding the effects of the 2006 law. First of all, the currently available data are too limited. Since reliable victim surveys that deal with gun-related crime are not available for the period under study, we only have at our disposal the official crime statistics published by the Belgian Federal Police. The problem with these statistics is that detailed data on gun crime are lacking for the years prior to 2009. Only since 2009 has the Belgian police systematically registered and issued solid crime statistics for the illegal possession, carrying and trading in firearms, rather than using the broad category of 'weapons' offences (which also includes other weapons than guns). This makes it impossible to compare the situation before the introduction of the stricter law with the years after and, in the end result, to observe trends in recorded gun crime.

What we do know based on the available crime statistics is that between 2009 and 2013, approximately 28,500 cases of illegal firearms possession have been recorded by the police. Since individual cases can involve more than one firearm, we can conclude that more than 28,500 illegal firearms have been registered by Belgian police in the last 5 years. In the same period, almost 2,000 cases of illegal ammunition possession have been registered. This means that, per year, on average 5,700 cases of illegal possession of firearms and almost 400 cases of illegal possession of ammunition are recorded by the police in Belgium.

When we break down the statistics for the last available year, we learn that in 2013 Belgian police recorded 5,658 cases of illegal firearm possession and an additional 160 cases of illegal ammunition possession (see table 2). The police also recorded 610 cases of illegal *carrying* of firearms and 22 cases of illegal carrying of ammunition. Unfortunately, more information on the circumstances in which these records were made by the police and on the specific types of firearms involved is not available. In 2013 the police also recorded 4,388 armed robberies. Information on the type of weapon used is, however, not available. This means we cannot make a distinction between robberies committed with firearms or with other weapons such as knives. In addition to the figures on cases of illegal possession and carrying of firearms and ammunition and the number of armed robberies, the Belgian police have also released the number of recorded cases of illegal trade in firearms and ammunition. In 2013 the police recorded 146 cases of illegal firearms trade and 9 cases of illegal ammunition trade in Belgium. Here also, more

Peter Squires (2013), *Hard evidence: does gun control work?*, <http://theconversation.com/hard-evidence-does-gun-control-work-18374> (consulted 13 March 2014).

information on the types of firearms and the calibre of ammunition that were illegally traded is not available.

Table 2: Selection of crime statistics, Belgium, 2005-2013

	2005	2006	2007	2008	2009	2010	2011	2012	2013
Armed robbery	5,396	5,333	5,263	5,308	5,862	5,377	5,544	4,969	4,388
Illegal possession of weapons (total)	3,106	3,756	4,586	5,685	8,267	11,173	10,344	9,934	10,206
<i>Illegal possession of firearm</i>	44	231	191	2,169	4,405	6,944	5,718	5,715	5,658
<i>Illegal possession of ammunition</i>	1	1	1	102	295	351	425	222	160
<i>Illegal possession of undetermined weapon(s)</i>	3,052	3,516	4,350	1,663	271	496	222	160	218
Illegal carrying of weapons (total)	5,351	5,774	6,136	5,965	6,254	6,292	6,716	5,904	5,713
<i>Illegal carrying of firearm</i>	-	6	13	483	813	798	784	723	610
<i>Illegal carrying of ammunition</i>	-	-	-	14	32	22	42	25	22
<i>Illegal carrying of undetermined weapon</i>	5,344	5,762	6,102	2,453	101	138	120	84	28
Illegal trade in weapons	168	147	212	246	272	365	288	225	209
<i>Illegal trade in firearms</i>	8	22	29	135	194	287	188	151	146
<i>Illegal trade in ammunition</i>	13	6	12	4	4	4	11	12	9
<i>Illegal trade in undetermined weapon(s)</i>	146	119	170	67	20	27	22	14	13

Source: Belgian Federal Police⁴⁶

As mentioned earlier, reliable data on specific firearms-related crime statistics are not available for the period before 2009. What is available for this period, though, are figures on the illegal possession and carrying of all weapons (including firearms). Data on the illegal trade in weapons is also available. Table 2 gives an overview of these figures for the period 2005-2013. Overall, these crime statistics show diverging trends with regard to these phenomena. Comparing the available data for the period 2005-2013, we can observe that while the number of recorded cases of illegal weapons carrying remained stable between 2005 and 2013, the number of recorded cases of illegal weapons possession more than tripled - from 3,106 cases in 2005 to 10,206. The number of cases of illegal weapons trade also increased strongly: from 2005-13 we see an increase of 25%. These sharp increases seem to reflect a reality of more cases of illegal possession and trade of weapons in Belgium¹.

The increase can largely be attributed to the change in firearms legislation in 2006. The stricter gun legislation led to an increase in illegal possession of firearms, since a large number of legally held firearms needed to be regularized in 2006 after becoming subject to authorization, and not everyone complied. In the years following introduction of the new legislation, several local police forces used the Central Arms Registry to detect persons who might have not obtained the necessary licence to legally retain their firearms. In addition, there are strong indications that a significant group of individuals made

¹ As we noted, one of the key limitations of using official crime statistics is that it is difficult to ascertain whether trends in crime statistics reflect real trends in criminal phenomena, or trends in reporting efforts and the policies of law enforcement agencies. The observed increase in recorded cases of illegal firearms possession and trade could thus merely be the result of a more active enforcement aimed at these activities. This, however, does not seem to have been the case here. Illegal firearms were a priority in the National Security Plan of the Belgian police in 2004-2007 and in 2012-2015, but not in 2008-2011; yet it is in the latter years that we see the strongest increase in recorded illegal firearm possession and trade. We therefore conclude that the increases seems to reflect a reality of more cases of illegal possession and trade, rather than the result of increased policy attention.

false declarations in order to keep their weapons without applying for the necessary licence. An analysis of the number of firearms registered as “lost” in the Central Arms Registry of the Federal Police, for example, shows that the average annual number of “lost” firearms increased from 375 per year in the years before 2006 to more than 4,500 in the years after 2006.⁴⁷ While the adoption of the new law may have spurred a number of gun owners to look for their firearms, and realize that they could no longer find them, the majority of these weapons probably disappeared into the illegal circuit, resulting in an increased reporting of illegal possession and trade in firearms. While the number of cases of illegal firearms possession and trade increased, a significant decline of the number of armed robberies can be observed in the official police statistics: a drop of 19% from 5,396 armed robberies in 2005 to 4,388 in 2013. Based on the limited available data, however, at the moment we cannot adequately explain this trend nor link it conclusively to the introduction of the stricter firearms law in 2006.

These observations of trends in gun crime in Belgium, however, and their possible explanations all remain tentative at the moment. In the absence of sufficiently detailed data for a longer period of time, it is impossible to draw solid conclusions about the impact of the weapons law of 2006 on gun-related crime. Gun-related crime, moreover, is registered under excessively general categories. Disaggregated data on the circumstances in which these crimes occurred and the specifics of the types of firearm used are lacking.

7 Violent Deaths: Homicides and Suicides

An important question in most debates on stricter gun laws concerns their effects on violent deaths. Advocates of stricter gun control argue that strengthening firearms regulations will result in lower levels of homicide and suicide. Opponents disagree, arguing that substitution of means will take place: in other words, perpetrators will find other weapons to commit their acts. In 2006, one of the objectives of Belgian lawmakers was to reduce the availability of firearms. Assuming that the availability of firearms is positively correlated with gun-related violence and violent death, by restricting the access to guns they hoped to “better secure society” and reduce the levels of homicides and suicides. In addition, a Royal Decree of 2007 limited the possibilities for police officers to take their service weapon home after their shift,⁴⁸ and this limitation was already implemented for federal police in 2006.⁴⁹ In this section we try to trace the effects that the stricter Belgian gun regulations of 2006-2007 may have had on the rate of violent deaths.

For Belgium we can rely on two different data-sets to analyze trends in violent deaths over time. First, we can use the data from the European Detailed Mortality Database of the WHO Regional Office for Europe. The figures for Belgium show that in the period 2003-2010, 2,037 persons died as a result of firearm injuries. Interestingly, we can observe a strong decrease in the number of gun deaths in the years following the change of legislation in 2006: the annual average rate of such deaths in 2007-2010 decreased by 35%, compared to the period 2003-2005¹ (see table 3).

Table 3: Firearms-related deaths, Belgium, 2003-2010

	Total mortality	Suicide		Homicide	
		With firearm	total	With firearm	total
2003	330	261	2.091	53	144
2004	309	234	1.986	59	178
2005	315	240	2.028	46	163
2006	256	207	1.934	31	146
2007	210	165	1.856	35	157
2008	231	189	2.000	29	128
2009	189	153	2.013	33	134
2010	197	144	2.011	36	117
Total	2,037	1,593	15,919	322	1,167
Annual average 2003-2005	318.0	245.0	2,035.0	52.7	161.7
Annual average 2007-2010	206.8	162.8	1,970.0	33.3	134.0

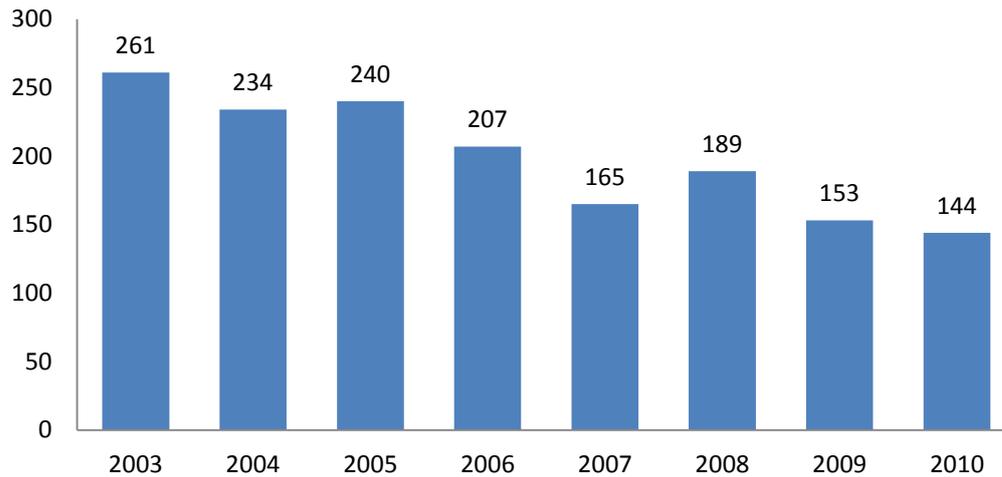
* The total mortality rate involving a firearm includes, besides suicides and homicides, also a small number of accidents (average: 2.4 per year) and deaths in which the cause is unclear (average: 13.7 per year). These statistics are not included in table 3 but can be obtained from the authors.

Source: European Detailed Mortality Database of the WHO Regional Office for Europe

¹ Since the firearms legislation changed in mid-2006, we do not take the figures for 2006 into account but only the years before and after the change of legislation.

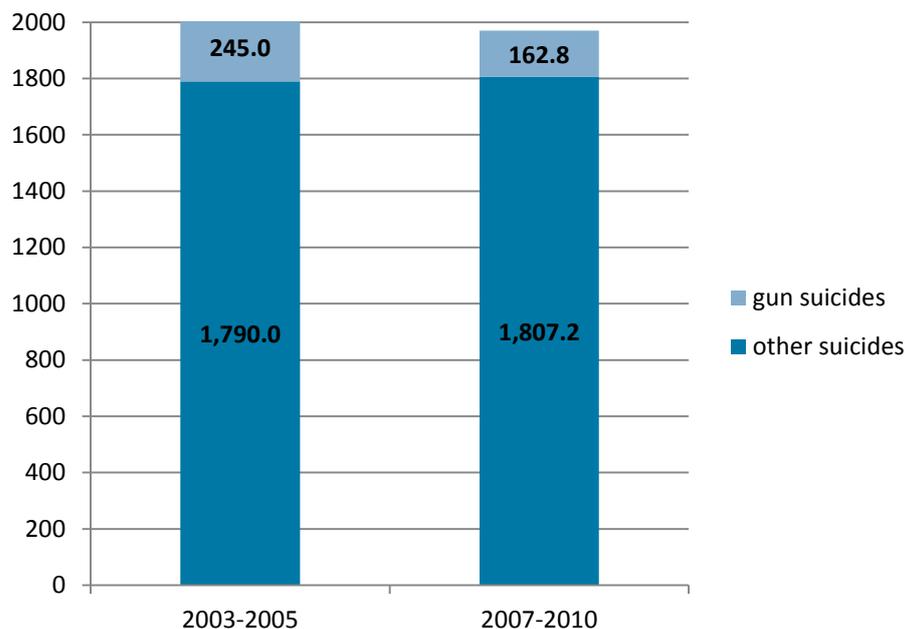
As in Europe in general, most of the firearms-related deaths in Belgium are the result of successful suicide attempts. Between 2003-2010, 1,593 deaths were classified as firearms-related suicides, yielding an average of almost 200 gun suicides per year in Belgium. The data indicate a significant (34%) decrease in the number of gun suicides in the years following the change of legislation: from an annual average of 245 gun suicides in 2003-2005 to 163 gun suicides in 2007-2010 (see figure 6).

Figure 6: Annual number of firearms-related suicides, Belgium, 2003-2010



Also, the total number of suicides decreased by 3% between these periods, and it appears that almost the whole drop in total suicides can be attributed to the decrease in gun suicides after 2006 (see figure 7).

Figure 7: Annual average of firearms-related and other suicides, Belgium, 2003-2005 and 2007-2010



The number of firearms-related homicides also dropped significantly in the years following the change in legislation: from 52.7 annual deaths in 2003-2005 to 33.3 deaths in 2007-2010, a decrease of 37%. The total number of homicides also fell by 17% (see figure 8).

Figure 8: Annual number of firearms-related homicides, Belgium, 2003-2010

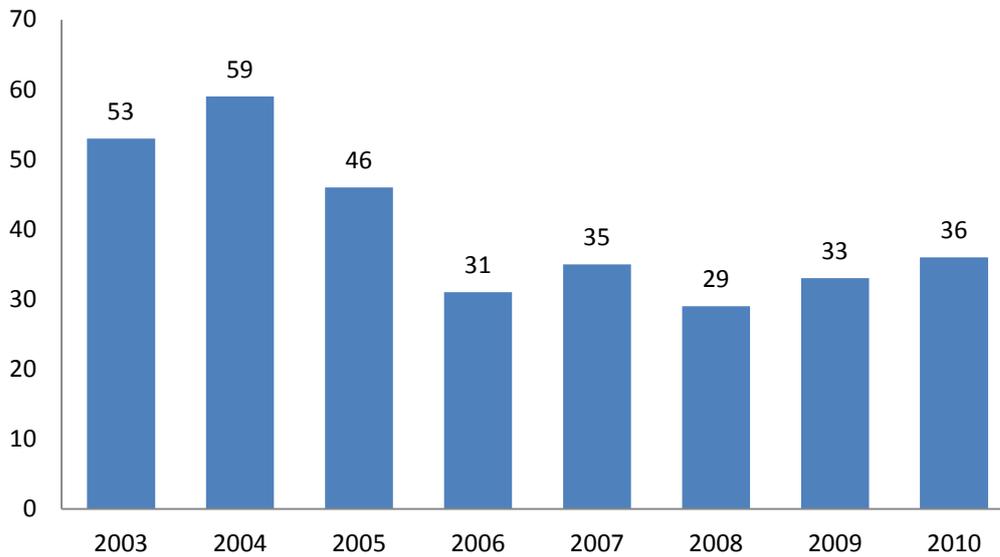
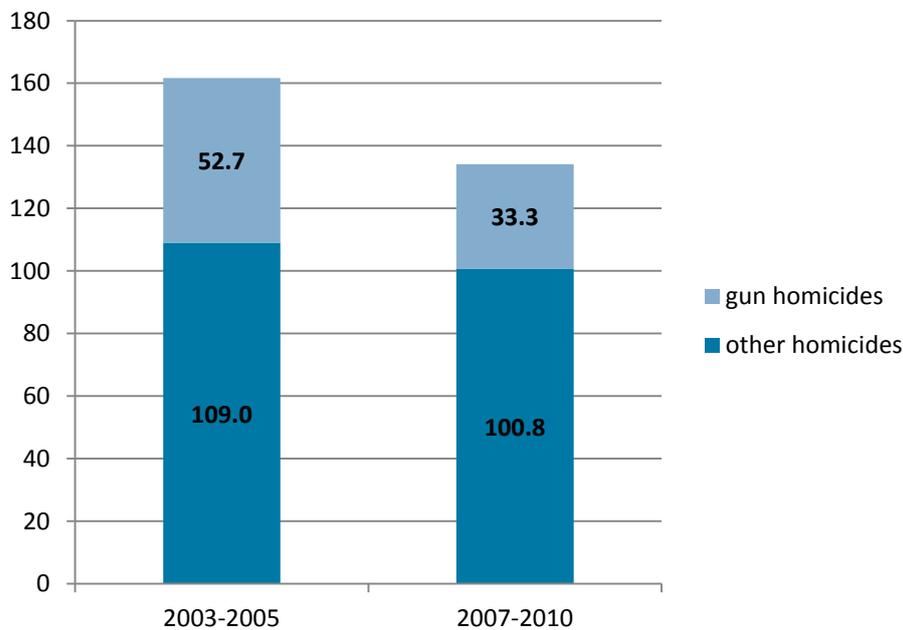


Figure 9: Annual average of firearms-related and other homicides, Belgium, 2003-2005 and 2007-2010



Moreover, as with the suicide data, almost the whole decrease in total homicide figures can be attributed to the decrease in gun-related homicides (see figure 9). Analysis of the WHO data therefore seems to support the hypothesis that the implementation of a more restrictive firearms legislation has

led to fewer gun deaths (both suicides and homicides), which in turn has significantly contributed to a decline in the total number of violent deaths. Still, given the short time-series we have at our disposal, we must be cautious about formulating general conclusions on the impact of legislative changes on violent deaths.

The second data-set we can use consists of the detailed mortality statistics for Flanders, the Dutch-speaking region of the federal state of Belgium. Since 2000, the Flemish Agency for Care and Health yearly has published figures on causes of death based on death certificates.¹ These statistics mention firearms as a factor in homicide or suicide. The figures are available for the years 2000-2012, making it possible to track trends in gun-related deaths for a longer period than the WHO data. On average, 57.000 deaths per year are registered in Flanders. Between 2000 and 2012, 1311 firearm-related deaths were registered, amounting to an average of 101 a year. Table 4 shows that the number of firearm-related deaths decreased by 47% in the period 2007-2012 compared to the period 2000-2005.¹¹ While the average annual number of firearm-related deaths in 2000-2005 stood at 134, it fell to only 70 in 2007-2012. This decrease reflected a decrease both in the number of suicides using a gun, and in the number of homicides with a gun.

Table 4: Firearms-related deaths, Flemish Region (Belgium), 2000-2012

	Total mortality with firearm*	Suicide		Homicide	
		With firearm	total	With firearm	total
2000	138	110	1,174	24	70
2001	133	113	1,139	16	85
2002	136	115	1,100	20	76
2003	125	104	1,074	18	51
2004	135	101	1,085	32	90
2005	134	111	1,115	22	71
2006	89	76	980	10	57
2007	70	64	984	6	56
2008	73	64	1,027	7	51
2009	84	65	1,102	19	62
2010	57	50	1,066	7	53
2011	67	52	1,152	14	75
2012	70	53	1,112	11	64
Total	1,311	1,078	14,110	206	861
Annual average 2000-2005	133.5	109.0	1,114.5	22.0	73.8
Annual average 2007-2012	70.2	58.0	1,073.8	10.7	60.2

* The total mortality rate involving a firearm includes, besides suicides and homicides, also a small number of accidents (average: 0.5 per year) and deaths in which the cause is unclear (average: 1.5 per year). These statistics are not included in table 5 but can be obtained from the authors.

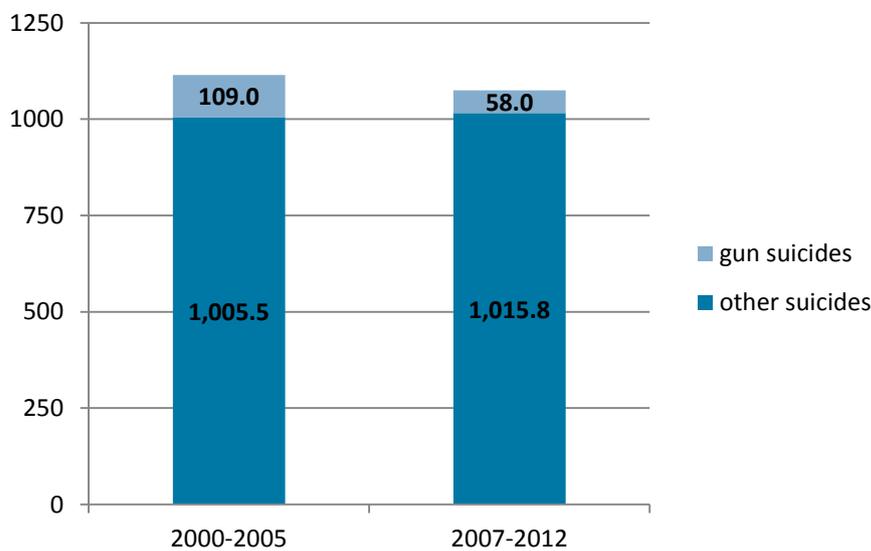
Source: Flemish Agency for Care and Health⁵⁰

¹ These mortality statistics include the mortality of residents of the Flemish Region and Flemish residents of the Brussels Capital Region. Individuals who died in the Flemish Region but do not reside there, or Flemish residents who die in the Walloon Region or abroad, are not included.

¹¹ Since the firearms legislation changed in mid-2006, we do not take the figures for 2006 into account but only the years before and after the change of legislation.

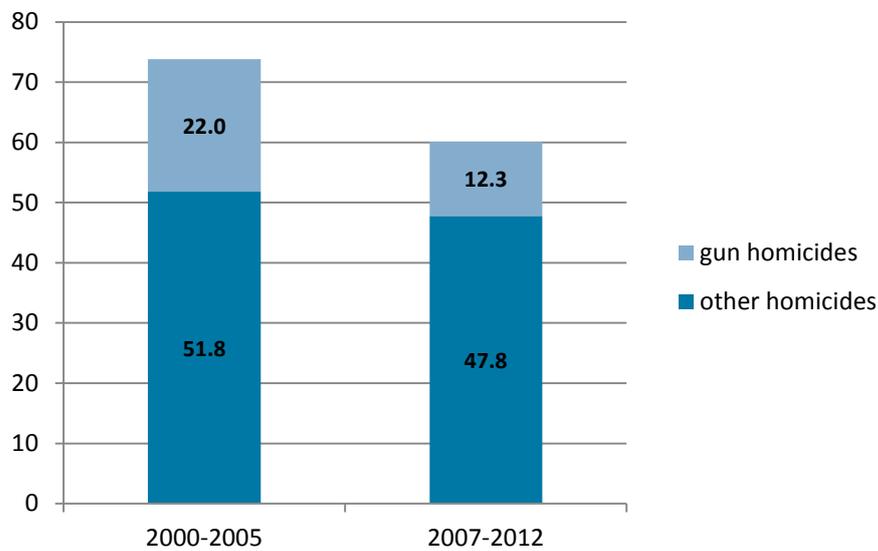
Every year, an average of more than 1000 suicides are recorded in Flanders, of which 5-10% are committed with a firearm. The statistics in table 4 show a remarkable decrease in the number of gun-related suicides in the period 2007-2012, with an average of 58 suicides per year compared with 109 suicides per year in 2000-2005. Over this period, the *total* number of suicides also decreased, though the drop in gun-related suicides (47%) was much sharper than the decrease in total suicides (4%). Although gun-related suicides account for only 5-10% of the total number of suicides, the recent decline in gun-related suicides seems to account for the entire drop in the total number of suicides (see figure 10).

Figure 10: Annual average of firearms-related and other suicides, Flemish region, 2000-2005 and 2007-2012



The numbers for gun-related homicides in Flanders are even more difficult to interpret given that there are relatively few of them. In addition, the number of violent deaths - using a gun, or otherwise - fluctuates from year to year. Table 4 indicates that in Flanders gun-related homicides account for 24% of the total number of violent homicides: out of an annual average of 66 violent deaths, an average of 16 die as a result of gun-related violence. Again, a significant decrease can be observed when we compare gun-related homicides in the period 2000-2005 (average of 22 homicides per year) with those in 2007-2012 (average of 12 homicides per year). At the same time, the total number of homicides also dropped significantly; but as with suicides, the relative drop in gun-related homicides (44%) was greater than that in total homicides (19%). Here also, we can observe that the recent decline in gun-related homicides is largely responsible for the decline in total homicide numbers. While the rate of firearms-related homicides dropped significantly for both men and women, the female homicide rate saw an especially spectacular fall. This is consistent with the results of previous analyses.

Figure 11: Annual average of firearms-related and other homicides, Flemish region, 2000-2005 and 2007-2012



The combination of this sharp decline with its specific timing clearly points to an impact of the new gun legislation, and/or the limitations on taking service weapons home, on *gun-related* suicides and homicides. The Belgian and Flemish suicide and homicide figures suggest that reduced access to firearms as a result of the stricter weapons law of 2006 - and specifically, the greater difficulty of obtaining a gun and ammunition - has probably contributed to a decrease in the total number of suicides and homicides. Caution is, however, called for when interpreting these figures. Although we have some clear indications of an impact of the stricter Belgian weapons law on gun-related suicides and homicides, the current lack of data makes it hard to gauge conclusively the precise effects of the Belgian weapons law of 2006 on overall violent death rates. In assessing the impact of the law of 2006, the currently available data have clear limitations.

First, it is very difficult to link the decrease in the total number of suicides causally to the introduction of the weapons law. Other factors, such as suicide prevention policy plans and societal trends, could also have played a role one way or the other. Other variables should be taken into account in explaining suicide and homicide trends: even if we find evidence that stricter gun legislation has an impact on suicide and homicide, as seems to have been the case in Belgium, it is always possible that these effects were strengthened, lessened or hidden by other factors such as an economic crisis. The currently available data do not allow us to estimate the explanatory weight of other, societal and psychological, variables. One of the problems in estimating the weight of various explanatory variables is, of course, that there is no control group to control for other variables - the new weapons law of 2006 applied to the whole population. Second, the available time-series is still relatively short, making it difficult to assess longer term impacts. As Brent and Bridge note, in order to analyze the longer-term effects of stricter firearms regulation, it is important to observe over an adequate length of time.⁵¹ And finally, an

important lacuna is that we do not know the legal status of the guns that were used. To assess the effects of stricter firearms regulation, it would be particularly interesting to find out how many violent deaths are committed with legal versus illegal firearms, and to compare the figures before and after the introduction of new laws.

Despite these limitations of our data, the available information strongly suggests a marked impact of the introduction of the new firearm legislation on gun-related deaths, which in turn has led to a significant decrease in the total number of suicides and homicides in Belgium.

8 Public opinion

In the introduction we noted that in Belgium, as in many European countries, most discussions about stricter firearms legislation take place among a small number of stakeholders, interest groups, policy-makers, and experts. Only occasionally does the issue of gun control attract attention from the media and the general public. In gun control debates, nonetheless, the question is sometimes raised of how the public views controls on the private possession of firearms and whether it supports stricter gun regulations. In the US, where gun policies provoke emotional and intense debates, this question has generated a great number of studies and polls. Given the interest of the media and the political elites in discovering the public's opinions and attitudes about gun policy, polling organizations such as Gallup and the Pew Research Center track public opinion on gun policy on a regular basis, labeling it – as on Gallup's online homepage - a 'hot topic'.⁵² In addition, American academics have been very active in investigating public views on gun policy. Scholarly research covers a range of perspectives: studies focusing on attitudes to various policy options such as background checks, banning certain types of weapons, and (concealed) carrying of handguns⁵³; studies explaining variations in attitudes toward firearms regulation⁵⁴; and studies investigating whether and how the framing of the issue affects opinions on firearms regulation, and how news coverage of the issue influences the setting of the public agenda.⁵⁵ In Europe, research on public opinions and attitudes about gun policy is much scarcer. Importantly, however, a major poll of European opinions on gun policy was conducted in September-October 2013. As part of its 2013-2015 review of European firearms controls, the European Commission commissioned a special Eurobarometer survey on firearms controls and measures against gun-related crime in the EU. Respondents were asked how they perceived gun-related crime and what they thought about the introduction of stricter regulation at the EU level.⁵⁶

In this section, we look specifically at the levels of support among the Belgian population for the stricter weapons law that was introduced in 2006. Our analysis is based on the findings of a survey we commissioned in 2010. In this (telephone) survey, conducted in September 2010 among a representative sample of the Belgian population¹, we investigated whether the Belgian public supported the stricter firearms legislation of 2006.⁵⁷ In total, 1,057 adult Belgians were asked for their opinions on firearms in society and private possession of firearms. The survey focused in particular on the level of support for the principles underlying the stricter legislation of 2006. We did not ask respondents to express views on the legal technicalities of the law. When trying to probe opinions on one of the basic principles underlying the new legislation – linking gun possession to well-defined activities that are strictly regulated – we chose to avoid legal terms used in the law such as 'good cause'. Instead, respondents were asked for their opinion on three basic choices the authorities might make in order to

¹ In analyzing the results a modest re-weighting was used based on six variables (sex, age, occupation breadwinner, province, habitat and family size) per Nielsen-region.

regulate the private possession of guns. A first option would be completely banning the possession of guns, except by police and security guards. This would make a system of licenses and authorizations superfluous, because any firearm not in the hands of members of law enforcement agencies would be illegally held. A second option was to make gun possession possible for private citizens but to restrict it to specific and well regulated activities, such as hunting, target shooting and collecting. This option reflected the basic principle of Belgian legislation since 2006 and the EU Firearms Directive of 1991 (as amended in 2008). A third option was to make private possession of firearms possible for all adults, irrespective of their intended use and without applicants having to show they had a ‘good cause’ to obtain an authorization for gun possession. This option reflected the Belgian situation before the introduction of the new legislation in 2006, when it was possible for all adults to acquire certain types of firearms - in particular, shotguns or hunting rifles - without a licence, a good cause or even background checks.

Respondents were asked to express their opinion on these three fundamental options. The results (see table 5) showed wide support for the basic principle of current gun legislation in Belgium: three quarters of Belgians said that private possession of firearms should only be possible in order to exercise well-defined activities. A complete ban on all firearms was supported by only 16% of Belgians, while a smaller group (10%) argued in favour of making the private possession of firearms possible for all adults.

Table 5: Support for various principles of firearms regulation in Belgium (2010)

With which of the following statements you agree the most?	%
Private possession of firearms must be completely banned	15.8%
Private possession of firearms must in principle be possible for all adults	9.5%
Private possession of firearms must only be possible for exercising certain activities	74.7%
	N=1,034

Our analyses showed that men were statistically more in favour than women of making firearms possession possible for all adult citizens, and that persons with no or lower education degrees and persons over 55 more often expressed themselves in favour of a complete ban on private gun possession. Nonetheless, the results showed that one of the basic principles of the Belgian firearms legislation of 2006 was widely supported in all layers of the population.

The 2013 Eurobarometer survey on firearms also looked at attitudes towards stricter regulation. The questions posed, however, were different from the ones in our 2010 study, making it difficult to compare the results of both surveys. The Eurobarometer survey polled respondents for their views on whether “*stricter regulation of who is allowed to own, buy or sell firearms is the most effective way to reduce the level of crime using firearms*”, or whether “*this would be more effectively achieved in other ways*”. First, this question was not designed to sound out opinions on the basic principles underlying gun control regimes, as we did in our 2010 poll; and secondly, the Eurobarometer question was

unfortunately formulated. Tackling gun-related crime does not necessarily imply choosing between stricter laws or ‘some other way’. On the contrary, crime reduction policies ideally combine both legal and operational measures. Respondents’ opinions on whether stricter regulation is needed, moreover, depend on their perceptions of the strictness of existing regulations in their country, which makes it difficult even to compare the results across countries. Nonetheless, the findings of the Eurobarometer survey also give some indication of the level of support for the idea of stricter gun regulation. 55% of the Belgian respondents to the Eurobarometer were in favour of stricter regulation, while 38% rather supported “some other way” to reduce the level of gun crime.¹ Not surprisingly, respondents who owned or used to own firearms were relatively less likely to support stricter regulations on owning, buying or selling firearms: only 42% of people in this group supported stricter regulation, compared with 54% of those who had never owned a gun.⁵⁸

In our Belgian 2010 poll, we asked the large group of respondents who favoured linking private possession of firearms to exercising specific activities which activities gun possession should be allowed for. In the questionnaire, four possible activities were proposed: hunting, target shooting, practising a risk profession (e.g. jeweller), and being a collector. According to the Belgian weapons law, these activities can constitute good causes for the possession of firearms. The results showed that a substantial majority (respectively 88% and 84%) considered hunting and target shooting to be acceptable reasons for possessing guns. Nearly 60% considered practising a risk profession to be a good cause for private gun ownership. Collecting guns, however, was supported by only 42% of respondents.

Table 6: Support for reasons for private possession of firearms in Belgium (2010)

For which of the following activities should it be possible to possess firearms?	%
Hunting	87.8%
Target shooting	84.1%
Risk professions (such as jewellers)	58.5%
Collecting of firearms	42.2%
	N=772

The Belgian weapons law also stipulates that ‘personal protection’ can constitute a good cause for gun possession. Under the Belgian law, however, this is interpreted very strictly. A licence will only be issued if the applicant can prove that he runs an objective risk and that possessing a gun is the last resort. In the survey, respondents were asked whether they agreed that firearms possession should be allowed in order to protect one’s self and family. We also asked whether it should be possible to own guns to protect property (which is not possible under Belgian law). The results showed that a majority of Belgians (60%) did not agree with the possibility of owning a firearm to protect oneself, one’s family or

¹ Across the EU, a majority of respondents (53%) support stricter regulation of who is allowed to own, buy or sell firearms in their country, while 39% of people favour other ways to reduce the level of firearms-related crime.

one's property. Less than a quarter of Belgians said it should be possible to legally possess a firearm for these purposes.

Table 7: Support for personal protection and protection of property as reasons for gun possession in Belgium (2010)

	To protect myself or my family	To protect my property
(Completely) agree	24.0%	22.8%
Neutral	15.7%	17.0%
(Completely) not agree	60.0%	60.2%
	N=1,053	N=1,052

Based on the survey results, we concluded that the basic principles of the Belgian weapons law of 2006 are widely supported. The principle of making private gun possession possible only for well-defined and regulated activities can count on broad support among the population. Among these activities, hunting and target shooting in particular can count on approval by large majorities. Collecting firearms seems to be less supported as an acceptable reason. A majority of respondents disapprove of personal protection as a good cause for gun ownership.

The 2013 Eurobarometer survey on firearms did not pose similar questions, so again it is difficult to compare. Nonetheless, it is interesting to read our results in the light of the findings of the 2013 Eurobarometer survey regarding the reasons people gave for why they owned (or used to own) firearms. According to the Eurobarometer results for Belgium, 34% of the respondents who said they owned or used to own a firearm (3% of Belgian respondents reported they owned a firearm, 7% that they used to own one)¹ claimed that they did so for personal protection. Given the results of our 2010 survey, which showed that a majority of respondents did not support personal protection as a good reason for gun possession, and given that under Belgian law personal protection as a good cause is interpreted very restrictively, this is a strikingly high number. Bearing in mind that the Eurobarometer data do not allow us to separate these percentages into people currently owning a gun and people who said they used to own one, a possible explanation could be that before the introduction of the stricter weapons law in 2006 - which restricted the category of freely obtainable firearms - many people in Belgium may indeed have bought freely obtainable weapons for reasons of personal protection.

Table 8: Reasons for owning or used to owning a firearm (in Belgium and EU28)

	Hunting	Professional	Sports (e.g.	Personal	Other	Collecting
Belgium	24%	21%	22%	34%	13%	16%
EU28	35%	29%	23%	14%	10%	5%

Source: Flash Eurobarometer 383, October 2013

¹ 1% did not answer the question. For comparison: in our 2010 Belgian survey, 5% of respondents said there was "a gun in their household" (see Duquet, N. & Van Alstein, M. (2012), *Gun ownership in Belgium*, p. 15). Across the EU, firearms ownership seems to be relatively uncommon: just 5% of European citizens say they own a firearm, while another 5% says they used to own one. Nine out of ten respondents say they have never owned a firearm. Overall, when asked about their reasons for gun ownership, 35% of respondents (EU-wide) who say they own or used to own firearm answer they did so for hunting, 29% for professional reasons (e.g. service in the army, police, security), 23% for sport (e.g. target shooting), 14% for personal protection, and 10% for other personal reasons. 5% own or used to own firearms as collectors.

9 Conclusion

In this paper we have reviewed the effects of the weapons law enacted in Belgium in 2006. With this law the Belgian gun control regime was made significantly stricter. It was introduced in the wake of a public shooting incident in which the perpetrator had used a freely obtainable rifle to kill two persons and severely injure a third. The shooting led to public outrage and pressure on politicians to take action and review the existing legislation. The result was the rapid enactment of a new law. A major revision of Belgian firearms regulations, however, had already been in the pipeline since the beginning of the 2000s. Developments at the international and the European level, such as the signing of the UN Firearms Protocol in 2001 and a projected revision of the EU Firearms Directive, had made a serious review of national legislation necessary. International and European trends towards stricter gun legislation, however, received only scarce attention in the debates over the introduction of the stricter law. This is symptomatic of the way gun politics are framed in Belgium: interest in firearms legislation on the part of the media and the general public is sporadic and incident-driven. More fundamental discussions about firearms legislation take place among a small number of experts, interest groups and policy-makers. Belgium is not unique in this respect: in European countries generally, gun control does not rank high on the political and public agenda.

Linked to this observation, it is important to note that – in contrast to the situation in the US – a robust body of scientific evidence about firearms and gun control does not exist for the European context. Research into the topic is relatively scarce and fragmented. Thus when Belgian policy-makers enacted a stricter weapons law in 2006, they had little specific scientific evidence at their disposal to inform them about the effectiveness of different policy options. They nonetheless formulated a number of ambitious goals. First, it was their intention to bring Belgian gun regulations into compliance with international standards - as prescribed by the UN Firearms Protocol and the European Firearms Directive (which was to be revised in 2008) – and to make the Belgian control regime more coherent and effective. Secondly, their ambition was that the law should restrict the accessibility of firearms for citizens and thus reduce the levels of private gun ownership. And third, the stricter law was designed to reduce levels of gun-related crime and levels of violence. During the preparatory discussions in parliament, the question of the economic consequences of the stricter control regime was also raised. Representatives of the arms sector worried that the law might have a negative impact on the economic viability of the civilian market for firearms. A final question that was not explicitly addressed during the debates, but which played a major role because of the public outrage after the violent shooting, was the view held by public opinion. In this report we have traced the impacts of the stricter Belgian gun law to try to discover whether the objectives set out in 2006 met with success.

Belgian control regime is compliant and coherent

A first conclusion of our analysis is that following the introduction of the 2006 weapons law, Belgian gun regulations are to a very high degree compliant with international standards as prescribed by the UN Firearms Protocol and the European Firearms Directive. For example, the new law not only made the principle of the good cause a keystone in the Belgian gun control regime, but also set out criteria for obtaining gun licences and introduced a new categorization of firearms. Until 2013 one major issue remained contested in terms of its compliance with European standards: Belgium had a liberal regime for 'historical' firearms, making several types of firearms freely available in Belgium that in neighbouring countries were subject to licensing. Because the Belgian system gave rise to illegal trade and possession in these countries, the issue also raised questions about the efficacy of the Belgian gun control regime for tackling illegal trade in the European context. In 2013 the issue was resolved because the authorities abrogated the liberal regime.

Based on our legal analysis, we further conclude that the law of 2006 made the Belgian control regime much more coherent compared with the situation before, although legislation retains a highly technical character and the number of decrees implementing the law is still considerable. Further, the law of 2006 seems to have improved the efficacy of the Belgian control regime, as clearer and more detailed regulations are in place to control the acquisition and possession of firearms and to combat illicit trade in guns. But as our analysis in section 6 shows, it is difficult to arrive at solid conclusions regarding the effects of the stricter law on trends in gun-related crime. The available data are not detailed enough and do not cover the whole period under study. Crime statistics register gun-related crime in over-generalized categories and disaggregated data on the circumstances in which firearms crimes occur are lacking.

The levels of gun ownership have decreased

To a certain extent, we have been better able to track the effects of the stricter law on levels of gun ownership. Data from the Central Weapons Registry of the Belgian Federal Police show that the number of registered guns decreased in the years following the introduction of the law of 2006, although a rise was observed in the number of registered gun owners. Data on the collection and amnesty programme set up following enactment of the new law show that more than 200.000 firearms were collected and later destroyed. The available data thus make it likely that the number of legally held firearms in the hands of private citizens dropped because of the stricter law. Data from self-report studies suggest that this decrease probably cannot be attributed solely to the stricter arms legislation of 2006: gun ownership levels in Belgium seem to have been decreasing throughout the last two decades. A remarkable drop in reported gun ownership between 2004-5 and 2010 suggests, however, that the introduction of a stricter law in 2006 significantly accelerated this long-term decrease. With regard to illegally held firearms, it is impossible to draw conclusions based on the available data. While many gun

owners regularized or handed in their firearms after the introduction of the new firearms law in 2006, others did not and have kept them without possessing the required licences. This in turn has led to an increase in the registered cases of illegal firearms possession and trade.

Assessing the impact of the stricter law on the civilian market for firearms is not easy. The most important reason is that data on the turnover of Belgian arms dealers are not publicly available. Other data point in different directions. Since 2006, the number of firearms retailers in Belgium has decreased from 181 to 130; but this decline had already started before the introduction of the stricter law in 2006 and did not accelerate thereafter. Data on the licensed import of firearms and ammunition show that the value of imported firearms and ammunition increased strongly in the years following the introduction of the 2006 law, partly as a result of specific features of the new firearms legislation such as the increased demand for historical firearms, and the obligation for sport shooters to go shooting at least 12 times per year. The overall conclusion might be that while a number of arms dealers have lost out due to the new weapons law, others may have profited.

The levels of violent deaths have decreased

A next important question is the impact of the stricter gun law on violent deaths. In debates on gun control this is a sharply contested issue. Advocates of stricter gun control argue that strengthening firearms regulations will result in lower levels of gun-related violent deaths (homicide and suicide). Opponents disagree, arguing that substitution of means will take place - perpetrators will find other weapons to commit their acts. Our analyses for the Belgian context show that the number of firearm-related deaths (suicides and homicides) decreased significantly after the introduction of the new firearms legislation in 2006. The available data suggest that the new firearms legislation has strongly impacted not only on the numbers of firearm-related violent deaths, but also affected the total violent death rate in Belgium. Although gun-related suicides account for only 5-10% of the total number of suicides, the recent decline in the total number of suicides in Belgium seems to be largely the result of the observed decline in gun-related suicides. A similar conclusion can be drawn with regard to the homicide rate in Belgium: the more restrictive firearms legislation seems to have constricted access to firearms, which has resulted in substantially fewer homicides committed with a gun and in turn has significantly affected the total homicide rate.

A last element we discussed in the paper is how Belgian public opinion views stricter laws. Based on the findings of a survey we conducted in 2010 to explore levels of support for the weapons law among the Belgian population, we conclude that the basic principles of the Belgian weapons law of 2006 are widely supported. A large majority supports the idea that private gun possession should only be allowed for well-defined and regulated activities, such as hunting and target shooting. A majority of respondents disapprove of personal protection as a good cause for gun ownership.

Thus, overall, we can say that the Belgian weapons law of 2006 met several of its objectives to a significant degree. Since 2006 the Belgian control regime for firearms has been compliant with international standards, it is more coherent than before, the levels of gun ownership in society seems to have decreased, levels of violent deaths have also decreased, and the stricter regulations have broad support among public opinion. The economic impact on the arms sector seems not to have been too negative. Due to a lack of good data, the jury is still out concerning the impact of the stricter law on gun-related crime.

Need for further research, also at the European level

In the paper we have focused exclusively on the Belgian case and did not look at gun control from a European comparative perspective. We believe, however, that our analysis has a wider relevance in the European context. First, it shows that in order to study the effects of stricter gun laws we must look at the issue from various perspectives. More national reviews of gun control regimes along the lines of this study would make it possible to look at the issue from a comparative European perspective and gain a richer understanding of the effects of different policy options and interventions. Thus this study suggests what a future European research agenda on gun control might look like. Important to note in this context, however, is that while we have studied the effects of stricter gun regulations from various perspectives, there are a number of other approaches and research topics not covered here that could constitute interesting elements of a future research agenda.

In this report we have dealt with the effects of the stricter Belgian weapons law in general. Future research could focus more in detail on the effects on crime and violence of specific regulatory interventions, such as new rules about firearms deactivation, or measures to harmonize criminal sanctions against illicit trafficking in firearms among the member states of the EU.¹ Research could also focus more in detail on public health and mental illness issues related to firearms regulation. In this report we looked only at gun-related violent deaths, but it would be interesting to broaden the scope and also look at the effects of regulation on the number of injuries and disabilities as a result of firearms misuse. A related question which sometimes pops up in firearms regulation discussions, but about which – to our knowledge – little research has been done in the European context, concerns the possibilities, effects, and pros and cons of psychological checks on gun owners. The issue is of relevance when debating how to tackle the problem of individuals who hold their guns legally but misuse them at a given time in violent public shooting incidents: for instance, Anders Breivik in Norway and Tristan Van der Vlies in the Netherlands.

¹ These are legislative interventions proposed by the European Commission for its '2015 Firearms Package' (see 'The Firearms Strategy: One Year Later', Commissioner Speech, Brussels, 24 October 2014, http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20141024_commissioner_speech_en.pdf).

Secondly, this study has a wider relevance because it points to the importance of good data. The analysis shows that to arrive at solid assessments of regulatory impact, it is crucial for governments to increase their efforts to generate and manage adequate and comprehensive statistical information on the rates of firearms possession, violent incidents and gun-related crime. As the European Commission mentioned in the announcement of its 2013 firearms action plan, as things stand, *“a lack of solid EU-wide statistics and intelligence hampers effective policy and operational responses, and has contributed to firearms being downgraded in relation to other serious crimes, despite recognition of firearms as a key facilitator for crimes such as drug trafficking”*.⁵⁹ Solid statistical information also constitutes the basis for further scientific research. To be useful, such statistics must be sufficiently detailed. Gun-related crime, for example, is not a single phenomenon: it has many aspects and covers many different offences, ranging from illegal possession and trafficking to armed robbery and murder with a gun. Crime statistics should distinguish between these different aspects of gun crime in order to do justice to its complexity. In other words, good statistics are a necessary condition for addressing gaps in our knowledge about gun laws and firearms in European societies.

Finally, it is important to draw attention to a point which is relevant for policy-making and firearms governance. Although stricter gun legislation was at the focus of discussion in this report, we should emphasize that stricter gun regulations are not necessarily the only or, for that matter, always the best option for tackling problems related to firearms-related crime and violence. Specific problems with firearms require specific solutions and measures. Policy-makers should consider a range of instruments when they plan to introduce new gun policies. These instruments range from enacting stricter gun regulations to investments in better operational and investigative capabilities. In the aftermath of violent incidents, which is often the only time when firearms regulation is debated in the wider public sphere, it is easier for politicians to promise stricter laws than to invest significant sums of money in the capabilities of law enforcement agencies responsible for combating gun-related crime and controlling the legal possession of firearms. In order to address public outrage about violent incidents, stricter legislation may be hastily enacted without any guarantee that it will have a real impact, or, even worse, without providing law enforcement agencies with the necessary means to effectively implement and monitor the new regulations. It is therefore important that policy-makers should be able to turn to scientific knowledge about which policy interventions might be the most effective in particular circumstances. More research into the European firearms situation is needed for the purpose. With this report, we hope to have contributed to that effort.

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