

# Human Rights and the Control of Handguns and Their Owners\*

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## < CONTENTS >

- I. Introduction
- II. The American Experience
- III. Gun Ownership and Crime Rates in America
- IV. Gun Ownership and Crime Rates in South Korea
- V. Gun Ownership and Crime Rates in Canada
- VI. Gun Ownership and Crime Rates in Philippines
- VII. Another Point of View
- VIII. Conclusion: The Reality

## I . Introduction

Human rights and handguns are a major topic of discussion in countries across the globe. All of them have had to or are addressing this concern. The issues include questions such as how can a country keep their citizens safe without violating their human rights and whose human rights do we need to protect. Must every citizen have the right to carry handguns and other weapons or do citizens have the right to decide to make gun

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ownership difficult in order to protect the general population's human rights to be safe.

At one time or another, every country has used handguns to acquire and/or maintain their freedom and self-governance. As a result, the country may have expected citizens to take up arms and fight. Once a country has completed their military defense or offence and the conflict has been resolved, at least for the time being, they then need to decide whether the general populace should be given the right to own their own handguns. Most, if not all, countries have had to deal with this dilemma. Further, we must be aware that democratic, civilized governments (for example, Germany in 1900) can suddenly turn oppressive, tyrannical and dictatorial. Hence, some would feel more secure if they owned their own firearm just in case their system of government becomes oppressive.<sup>1)</sup>

Governments have resolved these issues in a variety of ways. For example, in South Korea, citizens do not have handguns and feel quite safe and comfortable. At the other end of the spectrum, countries, such as the United States (U.S.), allow gun ownership, sometimes with few conditions.<sup>2)</sup> The consequences are that 9,369 people die a year in handgun related incidents in the U.S. and 7,708 in the Philippines. Meanwhile, the number of gun related deaths are much lower in countries such as Canada, Australia, Japan and Great Britain, which number 144, 59, 47 and 14 respectively. What is the reason for such drastic differences in numbers? The latter mentioned countries have stricter gun control laws and they require "bear arm" safety courses. These laws have a direct relationship to the number of gun deaths that occur each year from country to country. Please refer to the following chart for more examples.<sup>3)</sup>

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1) From Kaiser to Führer: Germany 1900-1945 discussion thread. Retrieved February 28, 2012, from <<http://www.thestudentroom.co.uk>>

2) Huemer, M. (2003). Is There a Right to Own a Gun? *Social Theory & Practice*, 29(2), 297-324.

3) The Eighth United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (2002) (United Nations Office on Drugs and Crime, Centre for

Crime Statistics > Murders with firearms (most recent) by country					
Rank	Countries	Amount	Rank	Countries	Amount
# 1	South Africa	31,918	# 20	Sweden	68
# 2	Colombia	21,898	# 27	Bolivia	52
# 3	Thailand	20,032	# 28	Japan	47
# 4	United States	9,369	# 29	Slovenia	39
# 5	Philippines	7,708	# 30	Belarus	38
# 6	Mexico	2,806	# 30	Hungary	38
# 7	Slovakia	2,356	# 32	Latvia	28
# 8	El Salvador	1,441	# 33	Burma	27
# 9	Zimbabwe	698	# 34	Macadonia	26
# 10	Peru	442	# 35	Austria	25
# 11	Germany	289	# 36	Estonia	21
# 12	Czech Republic	181	# 37	Moldova	20
# 13	Ukraine	173	# 38	Lithuania	16
# 14	Canada	144	# 39	United Kingdoms	14
# 15	Albania	136	# 39	Denmark	14
# 16	Costa Rica	131	# 41	Ireland	12
# 17	Azerbaijan	120	# 42	New Zealand	10
# 18	Poland	111	# 43	Chile	9
# 19	Uruguay	109	# 44	Cyprus	4
# 20	Spain	97	# 45	Morocco	1
# 21	Portugal	90	# 46	Oman	0
# 22	Croatia	76	# 46	Luxembourg	0
# 23	Switzerland	68	# 46	Iceland	0
# 24	Bulgaria	63			
# 25	Australia	59			
				Total:	100,693
				Weighted average:	2,097.8

SOURCE: The Eighth United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (2002) (United Nations Office on Drugs and Crime, Centre for International Crime Prevention) from NationMaster.com 2008-2012.  
[http://www.nationmaster.com/graph/cr\\_mur\\_wit\\_fir-crime-murders-with-firearms](http://www.nationmaster.com/graph/cr_mur_wit_fir-crime-murders-with-firearms).

## II. The American Experience

The American system regarding the ownership of firearms, especially handguns, is very different compared to other high-income, developed countries. Even though laws may differ to some extent, Canada, some Asian and Western European countries use the same approach. Most require potential buyers to first apply for and obtain a permit to purchase a handgun. So that a person can get a permit, he or she must submit to an extensive background check, which usually requires weeks to complete. In

addition, the buyer must provide a convincing reason for wanting a handgun. For example, a person might need a handgun because they have a particularly hazardous occupation or belong to a qualified shooting range or association. This approach has worked well, for the most part, as evidenced by their low crime rate.

Despite strong evidence to the contrary, many Americans continue to argue that they cannot be safe in a gun free environment and that owning a gun is a human rights issue, a necessity in order to live a safe life. Given America's history, we can understand their hesitancy to give up their handguns and other firearms. The early American settlers viewed the right to arms, to bear arms and to have state militias as important essentials for several reasons. First, was to deter tyrannical governments. They did not want the British to control them. Second, they needed weapons in order to repel invasions and suppress insurrections. Thus, they developed a sense of a natural right of self-defense. They wanted to create and participate in a law enforcement system and a militia system of their own. "[T]he right to bear arms was articulated as a civic right inextricably linked to the civic obligation to bear arms for the public defense."<sup>4)</sup>

During Great Britain's attempt to control the new Americans, they prohibited the ownership of any firearms. In order to enforce this mandate they searched every home and seized all weapons. They arrested the males of any home in which handguns were found. This experience resulted in the creation of a national Constitution that addressed issues that were of concern to the new citizenry including anti-"search and seizure" provisions and a right to bear arms. The interpretations of these provisions are under constant debate and have varied throughout the centuries.

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4) Uviller, H.R. & Merkel, W.G. (2002). *The Militia and the Right to Bear Arms or How the Second Amendment Fell Silent*. Durham: Duke University Press.

### III. Gun Ownership and Crime Rates in America

It is estimated that over 80 million Americans own a gun. This translates to about half of the households in the U.S.<sup>5)</sup> The United States' second amendment to its constitution asserts that the peoples' right to keep and bear firearms shall not be violated.<sup>6)</sup> According to the National Rifle Association, this guarantees an individual's right to possess a gun for self-defense.<sup>7)</sup> For one to own a firearm, he or she must fulfill certain requirements, for instance the buyer must have attained a minimum age of 21 years to purchase ammunition or a handgun or be 18 years old for a rifle. It is illegal for an underage person to possess or be provided with a firearm. At present, the current federal law regarding firearms requires a criminal background check. Unfortunately, these criminal background checks only account for 60% of the total firearm sales, which implies that almost 40% of the firearm dealings take place without a background investigation.<sup>8)</sup> In addition, these background checks have been proven to be flawed. For example, a certain United States government office held an investigation in 2004 and discovered how terrorists were able to purchase or carry firearms. Surprisingly, almost all of the applications were approved since there were no criminal convictions and the applicants were not illegal immigrants.<sup>9)</sup>

The idea of citizens possessing firearms, although a constant irritant to some U.S. lawmakers is due to the considerable rise in the number of criminals killed by citizens. For instance, it is estimated that about 3,000 criminals are killed and almost 17,000 wounded by civilians every year.<sup>10)</sup>

5) Kopel, D., Gallant, P. & Eisen, J. (2008) Human Rights and Gun Confiscation. Retrieved February 23, 2012, from < <http://davekopel.com/2A/Foreign/Human-Rights-and-Gun-Confiscation.pdf>.

6) Huemer, 2003.

7) Kopel, D. B., Eisen, J. D. & Gallant, P. (2002). Gun Ownership and Human Rights. *Brown Journal of World Affairs*, pg.9(2), 3.

8) GRIMALDI, J. V. (2011). TRACKING HANDGUNS. *IRE Journal*, 34(1), 30-33.

9) Huemer, 2003, Kopel et al, 2002.

10) GRIMALDI, 2011, Kopel et al, 2002.

These figures are three times higher than the number of criminals killed or wounded by police firearms. Criminals would rather encounter police than armed civilians because a police officer may exercise restraint by not firing at the criminal immediately, and instead, attempt to disarm and make an arrest.

Based upon the information from The Center for Disease Prevention and Control based in Atlanta the number of gun related deaths in the U.S. for the year 2000 was 28,663. Fifty-eight percent of these statistics were suicides; about 39% were homicides, while almost 4% occurred from accidents or ambiguous cases.<sup>11)</sup> Peculiar incidents have taken place that has convinced some states to disapprove of the practice of gun ownership in the United States. For instance, the 2007 Virginia Tech is an excellent example. An English major by the name of Cho instigated a shooting rampage leaving 32 individuals dead and 25 injured before he went ahead to commit suicide.<sup>12)</sup> What was worse was that Cho had been treated for mental illness in the past and should have been unable to purchase a gun under the state of Virginia gun laws. When he went to purchase his handguns, one store did not conduct a background check. The second gun store did a quick online check, which did not have a record of Cho's treatments for mental illness.<sup>13)</sup>

The 1999 Columbine High School incident, where two students named Eric and Dylan were able to get handguns and embark on a mass execution of 12 students, killing a teacher and injuring 24 people is another example.<sup>14)</sup> Unfortunately, several students throughout America have mimicked this scenario. Cases involving bizarre shootings in U.S. are rampant and evidence

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11) Kopel et al, 2008.

12) The Korean Times. (2008). Should Gun Ownership Be Legal? Retrieved February 23, 2012, from [http://www.koreatimes.co.kr/www/news/nation/2011/03/241\\_24764](http://www.koreatimes.co.kr/www/news/nation/2011/03/241_24764).

13) Vernick, J. S., Hodge, Jr. J. G. & Webster, D. W. (2010). *The Ethics of Restrictive Licensing for Handguns: Comparing the United States and Canadian Approaches to Handgun Regulation: Taking Sides, Clashing Views on Moral Issues*, Twelfth Edition.

14) GRIMALDI, 2011.

that attempts by U.S. officials to monitor the purchase of handguns have been failures.<sup>15)</sup>

It has been well established that, among the industrialized nations of the world, the U.S. registers the highest number of deaths connected with firearms.<sup>16)</sup> In pure number terms, more crimes are committed in America than in any other nation. The same goes for burglaries, car thefts, rapes and assaults. The irony is that America puts many more of its citizens in prison than any other nation: 0.7% of America's population is in prison.<sup>17)</sup> This is a vastly higher percentage than any other nation.

The U.S. is quite aware that its gun policies are not working. Punishment after the fact, incarcerating criminals after the harm is done is not reducing its crime and murder rate. Yet, the U.S. continues to ignore the effective gun control data from their neighbor to the north, Canada, and the pleas of their neighbor to the south, Mexico, which openly, in public, begged the U.S. to stop allowing the exportation of handguns into Mexico.<sup>18)</sup>

Strict standards and effective monitoring would be a more appropriate approach to the U.S.'s high murder rates. It is clear that having gun ownership treated as a human right in the United States does affect the safety of its citizens. In fact, it influences negatively on the security of the country.<sup>19)</sup> Unfortunately, America's system of government is its strongest hurdle to making changes in its gun laws. For instance, in the U.S. there are 50 individual states, each with its own set of laws regarding the purchasing and ownership of handguns. Further, the states that have adopted strict gun ownership laws have been constantly attacked by pro-gun activists by means of ceaseless lawsuits. Places such as the District of

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15) The Korean Times, 2008, Kopel et al, 2002.

16) Huemer, 2003, Kopel et al, 2002.

17) The Eighth United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (2002) United Nations Office on Drugs and Crime, Centre for International Crime Prevention.

18) Vernick, (2010).

19) Kopel et al, 2008.



Columbia, also known as Washington, D.C., have a seriously high murder by shooting rate. Since the 1970's they have implemented strict gun ownership laws. However, the state of Virginia, which shares a border with the District, does not have effective gun laws, as seen in the Virginia Tech example above. Hence, drive by shootings and rampant carjacking, which often result in the death of the owner of the car, are out of control in America's capitol city.

The U.S. would have to revamp their stance on gun regulations in order to reduce, significantly, their crime and murder rates. The Federal government would have to take control of the gun laws and create a nationwide, federal approach to the monitoring of firearms. All of the fifty states would have to relinquish their governance over this issue. Regrettably, this will never happen.

#### IV. Gun Ownership and Crime Rates in South Korea

In South Korean, it is against the law to possess or distribute handguns. Apart from hunting rifles, South Korean's cannot own private handguns. They are not available to civilians.<sup>20)</sup> The government has regulated all weapons and no firearms are exempted. These regulations begin at the manufacturing level, where those that has been found guilty of a felony are ineligible to work in any phase of the manufacturing of fire arms. Individuals wishing to export or import hand guns and other weapons are required to obtain a permit from the South Korean government.<sup>21)22)</sup> Please note that

20) Worldview. (2011). Examining South Korea's shockingly low rates of gun ownership. Retrieved February 23, 2012, from <<http://www.wbez.org/episode-segments/2011-08-02/examining-south-korea%E2%80%99s-shockingly-low-rates-gun-ownership-89983>>.

21) Lee, S. (2006). ORGANIZED CRIME IN SOUTH KOREA. Trends in Organized Crime, 9(3), 61-76.

22) GunPolicy.Org. (2012). South Korea-Gun Facts, Figures and the Law. Retrieved February 23, 2012, from < <http://www.gunpolicy.org/firearms/region/south-korea>.



any convicted criminal, especially those having served a jail term, are ineligible to have any dealings with the export or import of handguns.<sup>23)</sup>

In order to have a firearm in your possession, it is compulsory to obtain a valid permit and successfully complete gun safety classes from the authorized governmental departments.<sup>24)</sup> There are other categories of people who are not allowed to own a firearm. For example, individuals under the age of 20, persons with impaired mental capacity, as well as convicted drug addicts, and individuals convicted of an offence and having served a jail term can never own a gun. Training athletes with a gun permit; however, are exempt<sup>25)</sup>.

Gun permits must be renewed every 5 years. The penalty for possessing any illegally owned firearm is severe, with a maximum of two years imprisonment. Any legally owned gun that is lost must be reported to the authorities immediately. This is also true for handguns that are discovered. Anyone that finds a gun is required to report it to the police within 24 hours<sup>26)</sup>.

Traditionally, only hunters owned handguns in South Korea. They were not restricted from keeping the handguns, but had to follow regulations particularly during the hunting season. Since Koreans are happy to abide by their strict gun laws, there exist few firearms that among civilians.<sup>27)</sup> If a gun related episode should occur in South Korea, it would probably be limited to military procured weapons.<sup>28)</sup> Unfortunately, there have been several incidents with in the confines of military bases where soldiers have injured or killed themselves or their compatriots. A case in point, eight people were killed and two injured after a grenade was thrown and a rifle

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23) The Korean Times 2008.

24) Worldview 2011

25) Worldview 2011, GunPolicy.Org 2012.

26) The Korean Times 2008, GunPolicy.Org 2012.

27) The Korean Times 2008.

28) Lee, 2006

fired into the barracks by a private in 2005.<sup>29)</sup> The worst incident to have happened in South Korea was in 1982 when a renegade law enforcement officer stole seven grenades and two rifles from a military base. He then went on a rampage through several villages, killing 56 civilians before blowing himself up.<sup>30)</sup> A case involving a civilian occurred in 2007 where a person shot a judge with a legally acquired firearm because he ruled against him.<sup>31)</sup> Such cases seldom happen. It is evident that it is almost impossible for a civilian to gain access to a gun in South Korea, even for criminals. Accordingly, very few cases of gun related crimes occur in this country. The control of handguns in South Korea has significantly reduced crime rates.<sup>32)</sup> Koreans believe that the possession of private firearms is not only a threat to the lives of individuals but could also be to the government, which could result in a loss of power to command the population. This is one of the key reasons as to why governments have established a gun control initiative.<sup>33)</sup> And this is why those countries who have not instituted a gun control initiative of this nature should.

## V. Gun Ownership and Crime Rates in Canada

What Canada has done is to make sure that every gun held by a citizen is legally registered. Not only is one required to hold a license but must also pass a gun use test to be allowed to possess and use a gun. In the case of non-residents, they are required to have a declaration of gun ownership. Therefore these leads to three categories of handguns that is: restricted, non-restricted and illegal handguns.<sup>34)</sup>

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29) Lee, 2006

30) GunPolicy.Org 2012.

31) Worldview 201

32) Lee, 2006

33) GRIMALDI, 2011.

Gun registry in Canada has been a hot topic over the years ever since the liberal government established the current gun law. The initiative has received support from both the Eastern and Urban Populations. The majority of the opposition comes from the Western and Rural Residents.<sup>35)</sup> Supporters have always argued that the current gun law increases responsible use of rifles and handguns. It enable the ability to trace the location of a gun, where handguns are to be found, the type of handguns being used and where the owners are.<sup>36)</sup> The Canadian Association of Chiefs and the Canadian Police Association strongly support this law because it has increased the ease of tracking illegal handguns.<sup>37)</sup>

The opponents talk of applying better methods to control illegal gun use, establishing stricter measures on imports and increasing security at the borders. To support their claims, critics produced two Auditor General Reports showing gun registry costs being out of control since the start of their gun registry program. As happens in most, if not all countries, there is always the issue of criminals not registering their handguns.<sup>38)</sup>

The positive impacts of gun registration have remained unclear in Canada. For instance, in 2003, the rate of crime in Canada was 963 per 100,000 citizens. This was twice the U.S. rate of 475 per 100,000.<sup>39)</sup> Secondly, the June 2010 Canadian government's statistics on handguns licensing and registration plan showed many gun owners failing to obtain a license or to have registered their handguns. In response to this, the liberal government blamed the U.S. for its woes. It claimed that 50% of the handguns used in

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34) Rohter & Lott. (2009, 09 21). CNN paper (90), pp. 24-40. Licensing Canadian firearms program. Retrieved 12 19, 2009, from <http://www.rcmp-grc.gc.ca>.

35) Kopel et al, 2008, Kopel et al, 2002

36) Kopel et al, 2008.

37) Vernick, J. S., Hodge, Jr. J. G. & Webster, D. W. (2010). *The Ethics of Restrictive Licensing for Handguns: Comparing the United States and Canadian Approaches to Handgun Regulation; Taking Sides, Clashing Views on Moral Issues*, Twelfth Edition

38) Kopel et al, 2008, Kopel et al, 2002

39) Kopel et al, 2008, Kopel et al, 2002

crimes were smuggled into Canada from the U.S. These statistics also highlight that the recognition of handguns as a human right may jeopardize the security situation in a country and increase the rates of crime within the country.<sup>40)</sup>

## VI. Gun Ownership and Crime Rates in Philippines

According to a gun policy organization, the Philippines are well known as a country whose gun regulations are the most negligent in Asia.<sup>41)</sup> The televised daily news wrap-up always includes stories of someone's death in connection with a gun shooting.<sup>42)</sup> One of the reasons for this is that handguns are inexpensive. In the Philippines, 15,000 pesos (approx. U.S. \$350) is enough for someone to purchase a gun. There are no requirements for a background check and detailed questioning is not conducted when purchasing a shotgun for either home protection or hunting. Thus, "the reason for owning a firearm lies exclusively with the owner."<sup>43)</sup>

Incidents of deaths related to irresponsible gun use have been at an alarming rate in the Philippines according to the 2010 statistics. It is estimated that 5,779 of these cases are related to irresponsible gun use.<sup>44)</sup> For instance, in August 2011, a 13-year-old boy by the name of JanJan Vinchez committed suicide using his father's gun.<sup>45)</sup> Filipinos feel that to

40) Kopel et al, 2008, Kopel et al, 2002. Vernick, 2010.

41) Travel Man (2011). Issues in the Philippines: Pro-Gun or Gunless Society? Retrieved February 23, 2012, from <http://travelman1971.hubpages.com/hub/Issues-in-the-Philippines-Pro-Gun-or-Gunless-Society>

42) Nario-Galace, J. (2007). Gun Violence in the Philippines: A Human Security Concern. Retrieved February 23, 2012, from < <http://humansecurityconf.polsci.chula.ac.th/Documents/Presentations/Jasmin.pdf>.

43) Travel Man, 2011.

44) Travel Man, 2011, Nario-Galace, 2007.

45) Travel Man, 2011, The Korean Times, 2008, Nario-Galace, 2007.

achieve peace in the Philippines is a dream because of the considerable number of firearm related incidents. However, there is the Comprehensive Firearm Control Bill in the pipeline that many hope will be part of the Philippines solution to its peace and stability problem. However, the current condition of uncontrolled gun ownership in the county has really cost it in terms of its security status due to increased rates of crime.<sup>46)</sup>

## VII. Another Point of View

The reason that gun control is not a universally accepted concept is because there is always the exception to the rule. Although there are strong arguments against allowing gun ownership to everyone who wants one, there are the antidotal situations that demonstrate the importance of having a gun under certain circumstances. In the following situation, the person carefully thought through her options and did what she had to do to protect herself and her family. No one would or could fault her for her actions. This story is courtesy of ABC News Oklahoma City Affiliate KOCO.

An 18-year-old Oklahoma mother fearing for her infant's life shot and killed an intruder after a 911 operator told her, "Do what you have to do to protect your baby."

Sarah McKinley was home with her 3-month-old son on New Year's Eve last year, 2011, in Blanchard, Oklahoma when Justin Martin, 24, broke into her home with a large hunting knife. Martin had come by a week before, claiming to be a neighbor, but she did not let him in.

When Martin first showed up at her door, McKinley said she was in mourning: It was the night of her husband's funeral. He had died of cancer on Christmas Day. "I saw that it was the same man. He had been here Thursday night and I had a bad feeling then."

When Martin returned on New Year's Eve, he was with another man,

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46) Travel Man, 2011, Nario-Galace, 2007.

and armed with a 12-inch knife. McKinley could hear the two intruders pounding on the door, and knew she had to think fast. First, she pushed a couch in front of the front door. Then, she grabbed her son and her 12-gauge shotgun. She went into the bedroom, retrieved a pistol and put the bottle in her infant son's mouth. She then called the emergency number, 911. The 911 operator asked McKinley to confirm that her doors were locked. The young mother said yes, and asked if it was all right for her to shoot the man if he were to enter her house. McKinley said she told the dispatcher, "I've got two handguns in my hand -- is it OK to shoot him if he comes in this door? I'm here by myself with my infant baby; can I please get a dispatcher out here immediately?"

"I can't tell you that you can do that but you do what you have to do to protect your baby," the dispatcher said.

The 911 conversation lasted 21 minutes. Then the front door gave in.

"I waited till he got in the door. They said she could not shoot him until he was inside the house. So I waited until he got in the door and then I shot him."

Martin kicked in the door and charged at McKinley with his knife, but she said she shot at him before he could get to her. McKinley struck Martin in the upper torso. He was pronounced dead at the scene. His alleged accomplice, Dustin Stewart, fled the scene, and later surrendered to police.

Authorities say McKinley's shooting was justified. "You're allowed to shoot an unauthorized person that is in your home. The law provides you the remedy, and sanctions the use of deadly force," said Detective Dan Huff of the Blanchard police.

Some other suspicious activity around her home has led McKinley to believe Martin may have been stalking her. Two of her dogs recently were found dead, she said. The decision to shoot was difficult. "There's nothing more dangerous than a mother with her baby. But I wouldn't have done it if it wasn't for him." Local authorities have decided not to press charges since it was a clear case of self-defense, (ABC affiliate KOCO, Posted 11:20 p.m. CST January 1, 2012; updated: 1207 p.m. CST January 4, 2012).<sup>47)</sup>

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47) KOCO, ABC affiliate (2012). Posted 11:20 p.m. CST January 1, 2012; updated: 1207 p.m. CST January 4, 2012. Retrieved January 23, 2012, from

Sarah, a teenage mother of a three month old infant, whose husband had died of cancer five days before, was able to protect herself because she had a firearm and had been trained how to use it. She lives in a trailer home in an isolated area. It took law enforcement over 30 minutes to get to her home. If she had tried to run out the back door, her assailant could have easily reached her. If she had not been able to defend herself, the officers would have been too late to help her. It is these kinds of examples that encourage pro-gun advocates. Unfortunately, this sort of successful conclusion does not usually happen when a person attempts to protect him or herself in his or her home.

## VIII. Conclusion: The Reality

After examining the crime rates in the above countries and the affects of lenient gun laws, it is obvious that any country concerned with the human rights of their citizens to live in a low crime environment must establish and maintain strict monitoring of handgun ownership laws. There is the true test of whether the human rights of citizens are being protection.

While America's obsession with handguns is somewhat understandable given the history of its origins, the reality is that America's freedom to own handguns has not resulted in a safe environment where all citizens can freely live without fear. Meanwhile, South Koreans agree with their countries' strict gun ownership policies. They want the overwhelming majority of the citizens to not own handguns.

The paradox is that, even though Koreans cannot defend themselves with handguns, South Korea is one of the safest countries. Meanwhile the U. S.', whose citizens can easily own and use handguns to protect themselves, has



the highest murder rates of any high-income, democratic country.

While America's obsession with handguns is somewhat understandable given the history of how America came to be, the reality is that America's freedom to own handguns has not resulted in a safe environment where all citizens can freely live without fear. Meanwhile, South Koreans agree with their countries' strict gun ownership policies. They want the overwhelming majority of the citizens to not own handguns. The paradox is that, even though Koreans cannot defend themselves with handguns, South Korea is one of the safest countries with a crime rate that is one of the lowest in the world. Meanwhile the U.S., whose citizens can own and use handguns to protect themselves, has a crime rate that is one of the highest in the world. Hence, the argument that gun ownership is necessary in order to be safe is seriously flawed.

One suggestion is to regulate the traffic in guns, in particular, handguns. It is thought that by some that this would have a favorable impact by eliminating some of the violence and murders associated with the possession of guns. It would lessen the ability of career criminals to obtain weapons and use them to commit crimes and it would prevent situations in which noncriminal gun owners might cause damage through the use of guns that they later regret but which cannot be undone. Ideally, the number of guns in circulation should be so limited that it would be difficult or impossible for a criminal to obtain a gun even through the black market.

“Rather than treating handguns as a human right, we should focus on the numerous human right abuses that are committed as a result of granting gun ownership rights to citizens.”<sup>48)</sup>

Key words : Human Rights, Guns, Crime, Gun Ownership, Violence

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48) Korean Times, 2008.

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<http://davekopel.com/2A/Foreign/Human-Rights-and-Gun-Confiscation.pdf>.
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[국문초록]

## 인권과 총기 및 총기소유자의 통제

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미국과 필리핀에서 살인과 폭력은 심각한 문제이다. 그리고 총기는 그것에 중요한 역할을 한다. 버지니아 공과대학이나 고등학교에서 일어난 살인사건들은 우리의 허를 찔렀다. 이런 충격적 사건이나 일상적으로 일어나는 유혈사태, 사건 등에 있어서 총기가 가지는 역할을 무시하기는 어렵다. 따라서 이 글을 통해 다음을 묻는다. 국가들은 더 심각한 폭력을 방지하기 위해서 무엇을 해야 하는가? 왜 어떤 국가들은 시민들의 인권을 침해하지 않으면서도 범죄비율을 조절할 수 있는데 반해, 일부 국가들의 범죄율은 통제할 수 없는 지경인가? 대조적으로, 이 모범이 되는 국가들에서는 개인의 총기소유권을 시민들의 협조 아래 억제하여 왔다. 이제는 우리의 인권에 관한 우선순위를 재고하고 총기폭력 희생자의 인권유린에 관심을 집중해야 할 때다. 더욱이 총기감시나 규제를 거부하는 나라들로부터 총기밀매를 막음으로써 안전한 환경에서 살 시민들의 권리를 보존해야 한다.

주제어 : 인권, 총기, 범죄, 총기소유자, 폭력