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## **The Right of Citizens to Keep and Bear Guns: A Violation of the Article 3 and 25 of the UDHR-Recommendations to United Nations Based on China's Experience (Study Case of USA, South Africa, France and India)**

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### **Abstract**

This article raises the issue of the right of citizens to keep and bear guns. The right of citizens to keep and bear guns is the right conferred by governments to people to own a gun for the purpose of self-defense. However, for more than two decades, this right has become a tool of violation of human rights across the world, justified by a high rate of gun related deaths, violence and gun delinquency. More than two hundred thousand people die by private guns every year around the world, either by homicide or suicide. Amnesty International talks about a human right crisis, putting the life of seven billion of people in danger, threatening global security and peace, and causing serious consequences on the socioeconomic life of the countries, in violation of the Article 3 and 25 of the Universal Declaration of Human Rights (UDHR). Based on the case of USA, South Africa, France and India, this article shows the consequences that this legislation causes on the humanity, demonstrates the efficiency of the China's gun policy and recommends to United Nations to require to State members to abolish the right of citizens to guns following China's experience, and to establish a world day against the right of citizens to guns.

**Key Words:** Right of citizens to Keep and Bear Guns-Violation of Human Rights- Universal Declaration of Human Rights-China's Experience-United Nations.

### **Introduction**

Since twenty years about, the right of citizens to keep and bear guns has become a tool of violation of human rights around the world. Indeed, this right conferred to people by governments to possess guns for personal protection, has now taking away the life of thousands of people every year across the world, by homicide or suicide, disturbing security and peace all over the world, and causing severe consequences on the socioeconomic life of the States, violating the Article 3 and 25 of the Universal Declaration of Human Rights (UDHR).<sup>VII</sup>

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<sup>VII</sup> The Universal Declaration of Human Rights (UDHR) is a historic and one of the most important human rights document that was adopted by the United Nations General Assembly at its third session on 10 December 1948 as Resolution 217 at the Palais de Chaillot in Paris, France. Of the then 58 members of the United Nations, 48 voted in favor, none against, eight abstained, and two did not vote. The Declaration consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international

To date, Amnesty international talks about a humanitarian emergency whilesome scholars, politicians and civil societyassert that gun violence is one of the greatest public health crises of our time, andthere are no simple antidotes to address this health problem until reasonable and reasoned leaders come together to address the issue.

However, China is one of the rare countriesafe from this phenomenon due to a series of measures set up by the Chinese authorities, which makes China one of the most secure countries in the world. Thus, to attempt to bring solutions to this global issue, this paper will show in detail how the right of citizens to guns is terrorizing humanity, taking the case of USA, South Africa, France and Indiaas a sample to this research, and ask to United Nations to play a determined role by recommending to State members to abolish the right of citizens to guns byadopting China’s policy, and to declare a world day against the right of citizens to guns.

### **Brief Overview on the Origins of the Right of Citizens to Keep and Bear Guns**

Historically, the right of citizens to keep and bear guns officially began in Europe precisely in England, in the mid of 1600s, when the religion conflict that opposed Catholics to Protestants started because during that period the two parts needed to defend themselves against the aggressions coming from both side, and decided to be armed. This coincided with the protestations of the whole British people against the governance of King Charles I, which led to the revolution of 1646 and to the execution of King Charles I who was executed for treason on January, 30, 1649 in London.<sup>VIII</sup> This is how the King Charles I was replaced by his son King Charles II. Thus, in order to strengthen the protection of the Protestants in face of Catholics who were strongly armed, employed, and hostile to dialogue, the England Bill of Rights<sup>IX</sup> (established on December 1689) that was imposed to King Charles II by the whole of British people following the revolution of 1646, with the aim to reduce the power of the king who was before considered as a god, also allowed protestant citizens of England to have arms including guns, suitable to their conditions for their defense, and restricted the ability of the English Crown to have a standing army or to interfere with Protestants right to bear arms.

It was mentioned in the Law that Parliament, not the Crown, could regulate the right to bear arms. This became an opportunity for almost every people to own guns in England because the people was divided in two groups, Protestants and Catholics. It was also an occasion for the people of England to have control upon the governance of the king as they claimed during the revolution, and could now be capable to remove the King from the throne in case of non-respect of the Law<sup>X</sup> that was a sort of constitution. Which means that arms were became a means for the people of England to guarantee their personal protection against the violence’s coming from people between them, and to assert their power against the violence’s from the State. It is also from that time that the right to self-defense began to take shape because British people estimated that they should not tolerate what was happening and should necessary react and have right to defend themselves against what they considered as a violence towards them, hence gun became the most efficient and used arm.

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treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. The Declaration was the first step in the process of formulating the International Bill of Human Rights, which was completed in 1966, and came into force in 1976, after a sufficient number of countries had ratified them. To date, almost all the countries of UN have signed and ratified the UDHR.

<sup>VIII</sup> In fact, King Charles I was executed on January, 30, 1649 outside the Banqueting House in Whitehall, in London for treason. The reason behind that was that the King Charles offended his Protestant subjects by marrying Henrietta Maria, a Catholic French princess, and, for having concentrate all the power around himself as well, because people were also claimed for the separation of power. King Charles was replaced by his son King Charles II who arrived at the throne with limited power as claimed by the people of England during the revolution.

<sup>IX</sup> The English Bill of Rights is an act that the Parliament of England passed on December 16, 1689 under the pressure of British people. The Bill creates separation of powers, limits the powers of the king and queen, enhances the democratic election and bolsters freedom of speech. The English Bill of Rights is an act that the Parliament of England passed on December 16, 1689. The Bill creates separation of powers, limits the powers of the king and queen, enhances the democratic election and bolsters freedom of speech as claimed by the people of England during the revolution.

<sup>X</sup> The purpose of the revolution of 1646 was not only about religious conflict but also against the bad governance of the King, who was protected by the concentration of the powers that he held. This how after the execution of King Charles I the people imposed to reduce the powers of the King by imposing democracy and separation of powers between institutions, through an Act that was serving as a constitution. It was a way for British people to put their interests at heart of the concerns of politicians and have the possibilities to choose and to remove them even by force in case of resistance through their arms.

Progressively, the revolutions that happened in Europe during that time against the regimes in place such as the French revolution of 1789, led many countries in Europe to impose the England reforms to the new regimes by conferring citizens the right to keep and bear guns so that they could be able to protect themselves and to react against dictatorship of politicians.<sup>XI</sup> This have had more impact from 1800s with the era of the colonization when England and certain countries of Europe went to conquer territories in Africa, America and in a part of Asia, from which the right to keep and bear guns was bequeathed as a colonial heritage to the European colonies.<sup>XII</sup> That is why most the European colonies apply civilian's right to guns. It is from there that the culture of gun has been implanted in many countries among which the USA that was a British colony.

The Second World War has also influenced the culture of gun and the legalization of the bearing of guns by civilians in many countries, because after the Second World War many States were scare to be attacked and invaded by the neighbor States. It had become a way for States to make their people ready in case of external aggression, a sort to protect their territory integrity as well, hence the right of civilians to keep and bear guns has now become guaranteed by the legislative texts in certain countries, and by the constitution in the other countries such as USA, Mexico and Guatemala. It is to say that in certain countries gun ownership is absolute right due to the fact that it is guaranteed by the constitution, while in the other countries it is a non-absolute and conditional right that requires certain conditions established by the legislative laws to access to this right, can be the age, perfect mental state, having a gun license etc.

However, the perception of the territory protection has been excluded progressively, the law is now applied generally for self-defense, except some rare jurisdictions among which the USA, which take into account both purposes, personal and territory defense(yet, an exception has been made for hunt and sport shooting activities through legislative acts, of which guns conferred to civilians for those activities now are also used for violence sometimes, and will also be taken into account by this research). But, since twenty years about, the right to guns conferred to citizens for their self-defense and protection has now become a tool of violation of human rights across the world, violating the Article 3 and 25 of the UDHR.

### **The Contentand Interpretation of the Article 3 and 25 of the UDHR**

It is stated in the Article 3 of the UDHR that “everyone has the right to life, liberty and security of person.” The right to life means that human being has the right to live and to remain alive.<sup>XIII</sup> He should not be killed by another human being. Hence the common expression that says that “human life is sacred, precious and inviolable.”<sup>XIV</sup> The right to liberty shows that human being has the right to go where he wants, to do what he wants and say what he wants, once his attitude has not violated any local law and international convention. It is the right of people to have a full control of their own person, to be free of all movements and actions and from all forms of violence from public or private sources.<sup>XV</sup>

<sup>XI</sup> During that time, there was some dictatorship regimes and social conflicts in Europe. Yet, in order to set up the power of the people and to make this people strong, the people of Europe claimed to be conferred the right to keep and bear guns so that could not only be capable to protect themselves but also to face the dictatorship of politicians. It was the beginning of the democracy.

<sup>XII</sup> The right of citizens to keep and bear guns has also been a colonial heritagebequeathed by colonizers the colonized countries because after the colonization, the colonized countries established their laws on the basis of the laws existing in the colonizer country, this how we can see that the countries that were colonized by France are applying civil law and those colonized by England apply common law.

<sup>XIII</sup>Gibson, John S. Dictionary of international human rights law. No. 1. Scarecrow Press, 1996;Thornberry, Patrick. “Indigenous peoples and human rights”, 2013.

<sup>XIV</sup>This expression was used for the first time by Christian religion with Catholics in nineteenth century and taken up by the jurists in the beginning of the twenty century. Also in his address to the Delegation of the World Federation of Catholic Medical Associations (FIAMC) on May 18, 2018, the Supreme Pontiff, the ‘Pope Francis’ had used this expression to make understood to the whole of the Catholic doctors of the world about their duty and responsibility in face of human life given their task.. Available at <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2018/05/28/180528b.html> visited on May 22, 2019.

<sup>XV</sup>Ibid.

From this fact, the right to liberty cannot be infringed by any physical or moral person without any valid reason. The right to security means that human being has the right to be secure in order to enjoy his right to life and to liberty, which will allow him to enjoy other human rights<sup>xvi</sup> because he is alive, secured and free of all movement.

The Article 25 of the UDHR states that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” Which means that people should get access to social well-being, by enjoying the basic rights enumerated in the present Article. It allows to fight against extreme poverty, it is linked to the socioeconomic rights of the persons.

Thus, these two provisions which are regarded as one of the first basic human rights, are now breached by the right of citizens to guns across the world, disturbing global security and peace.

### **The Relation between the Right of Civilians to Keep and Bear Guns and Violation of the Article 3 of the UDHR with a Regard on USA, South Africa, France and India**

USA, South Africa, France and India are among the countries in the world, strongly affected by the violations of human rights by continent, caused by the legalization of gun ownership. Those violations of human rights are known under the name of gun violence's. Here the authors will attempt to show how the right of civilians to guns has become a threat for the humanity by showing what that causes in USA, South Africa, France and India.

#### **In the United States of America (USA)**

The right of citizens to keep and bear guns is a fundamental right in the USA. It is guaranteed by the USA constitution under the second amendment of December 1791, that says that “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”<sup>xvii</sup> This disposition means that arms including guns must be given to people for the State and personal protection. It is supported by the National Firearms Act of 1934, the Gun Control Act 1968 and the Brady Handgun Violence Prevention Act 1993 as federal gun laws, without much restrictions. However, since twenty years about, this disposition has become the cause of violation of human rights violating the Article 3 of the UDHR, due to the proliferation of guns, which is taking away the life of thousands of people, infringing their liberty, and threatening security and peace around the country. Indeed, according to GunPolicy.org the number of guns (both licit and illicit) held by citizens was estimated between 265,000,000 and 393,347,000 in 2015,<sup>xviii</sup> for a population of about 321 million people. Which means that each citizen owns one to two guns on average. Reminding that the rate of gun ownerships (both licit and illicit) per 100 population has gone from 101.05 in 2007 to 120.50 in 2017. Which means in some extent that there are more guns than people in the USA. This is how in 2007, the USA was ranked as the first world country with high rate of private gun ownerships, out of 178 countries,<sup>xix</sup> which is the cause of delinquency and insecurity since twenty years about, expressed by a high rate of gun homicides and suicides, mass shootings, armed robberies and other forms of gun violence's. For instance, a study carried out by GunPolicy.org indicates that the USA has registered a total number of 228,638 gun homicides from 1999 to 2017, detailed as follows:

#### **USA, gun homicide numbers from 1999-2017**

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<sup>xvi</sup> Ibid, 4.

<sup>xvii</sup> The USA is one of the world country strongly affected by the phenomenon of gun deaths since several years. In fact, despite the measures taken by government the phenomenon still remains, hence the existence of a huge debate on the maintaining or repeal of the right of citizens to keep and bear guns in the USA.

<sup>xviii</sup> Available at <https://www.gunpolicy.org/firearms/region/united-states> visited on October, 20, 2019, also found under Azrael, Deborah, Lisa Hepburn, David Hemenway, and Matthew Miller. 2017 ‘The Stock and Flow of U.S. Firearms: Results from the 2015 National Firearms Survey.’ Journal of the Social Sciences; 3 (5), pp. 38-57. Boston MA: Russell Sage Foundation, and in Karp, Aaron. 2018 ‘Civilian Firearms Holdings, 2017.’ Estimating Global Civilian-Held Firearms Numbers. Geneva: Small Arms Survey, the Graduate Institute of International and Development Studies, Geneva.

<sup>xix</sup> Ibid.

SR#	Year	Number of gun homicides
1	2017	14,542
2	2016	14,415
3	2015	12,974
4	2014	11,008
5	2013	11,207
6	2012	11,622
7	2011	11,068
8	2010	11,078
9	2009	11,493
10	2008	12,179
11	2007	12,632
12	2006	12,791
13	2005	12,352
14	2004	11,624
15	2003	11,920
16	2002	11,829
17	2001	11,348
18	2000	10,808
19	1999	10,828
20	1998	9,227
<b>Total</b>		<b>228,638</b>

*Source: Gun Policy.org on USA gun homicide numbers from 1998-2017, available at <https://www.gunpolicy.org/firearms/region/united-states> visited on October, 22, 2019.*

Note that the study indicates that more than 60% of the total homicides from 1998 to 2017 were committed with guns.<sup>xx</sup> The same study also presents a total number of 360,433 of gun suicides, presented as follows: **USA, gun suicide numbers from 1998-2017**

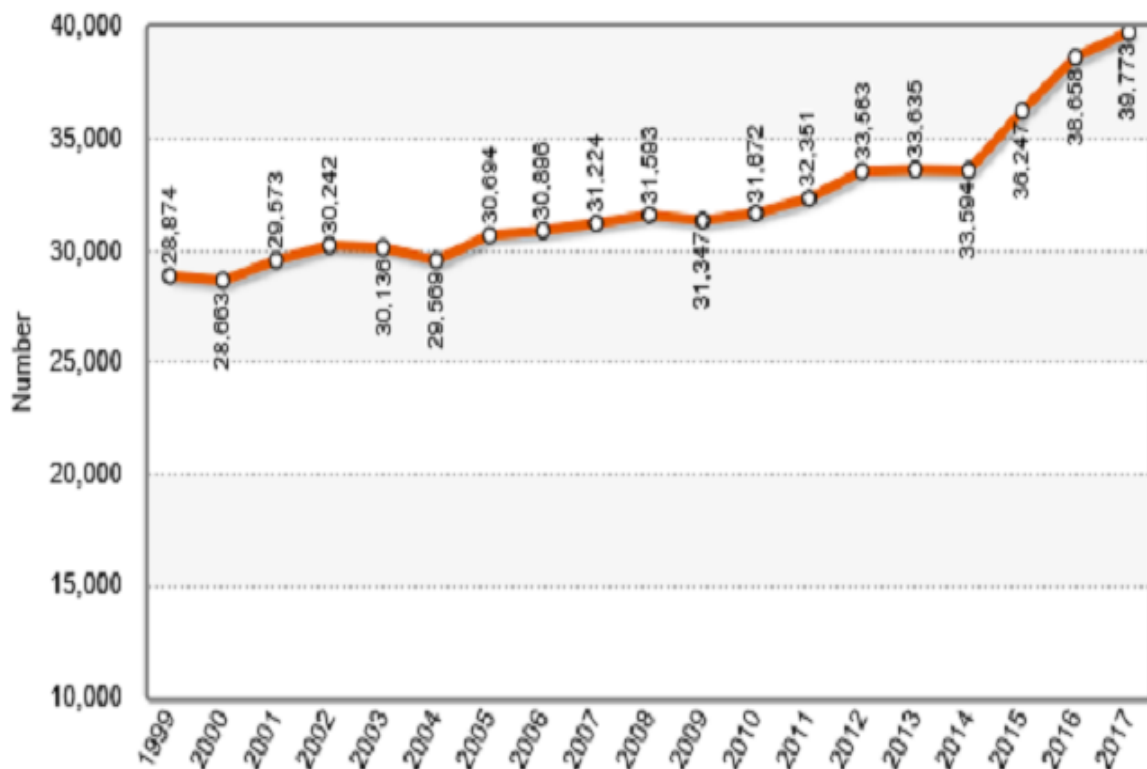
SR#	Year	Number of gun suicides
1	2017	23,854
2	2016	22,938
3	2015	22,018
4	2014	21,386
5	2013	21,175
6	2012	20,666
7	2011	19,990
8	2010	19,392
9	2009	18,735
10	2008	18,223
11	2007	17,352
12	2006	16,883
13	2005	17,002
14	2004	16,750
15	2003	16,907
16	2002	17,108
17	2001	16,869
18	2000	16,586
19	1999	16,599
<b>Total</b>		<b>360,433</b>

*Source: Gun Policy.org on USA gun suicide numbers from 1999-2017, available at <https://www.gunpolicy.org/firearms/region/united-states> visited on October, 22, 2019*

<sup>xx</sup> Available at <https://www.gunpolicy.org/firearms/region/united-states> visited on October, 22, 2019.

The USA is also one of the world countries more affected by mass shootings, happening every year, roughly one per day in every public places, super markets, schools (where the victims are mostly teachers and students), and even in churches. For instance, in 2013, there have been 2,128 mass shootings roughly one per day, reported by CBS News.<sup>XXI</sup> The studies on gun related deaths and incidents, oriented by the Centers of Disease Control and Prevention (generally called CDC, is a federal agency that conducts and supports health promotion, and preparedness acuities in the United States, with the goal of improving overall public health. Established in 1946 and based in Atlanta, the CDC is managed by the Department of Health and Human Services) reveal that 36,000 Americans are killed by guns each year—an average of 100 per day,<sup>XXII</sup> and 100,000 Americans are shot and injured each year.<sup>XXIII</sup> They also reveal that there were 38,000 gun related deaths in 2016, 4,000 more than 2015,<sup>XXIV</sup> and 39,773 in 2017 of which 22,274 gun suicides, that constituted 61% of the gun deaths, maintaining that the USA reached their highest level of gun violence in at least 40 years.<sup>XXV</sup> The GunPolicy.org also carried out a study on the total general number of gun deaths in the USA from 1999 to 2017 that presents the following results:

**USA, the number of gun deaths from 1999-2017**



The total of gun deaths in the USA from 1999 to 2017, available at [https://www.gunpolicy.org/firearms/compareyears/194/total\\_number\\_of\\_gun\\_deaths](https://www.gunpolicy.org/firearms/compareyears/194/total_number_of_gun_deaths) visited on October, 20, 2019.

<sup>XXI</sup> Reported by CBS News, available at <https://www.cbsnews.com/news/report-u-s-averages-nearly-one-mass-shooting-per-day-so-far-in-2017/> visited on October, 22, 2019.  
<sup>XXII</sup> Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” Figures represent an average of the five years of most recently available data: 2013 to 2017. Available at <https://lawcenter.giffords.org/facts/gun-violence-statistics/> visited on October, 22, 2019.  
<sup>XXIII</sup> Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” Figures represent an average of the five years of most recently available data: 2013 to 2017. Available at <https://lawcenter.giffords.org/facts/gun-violence-statistics/> visited on October, 22, 2019.  
<sup>XXIV</sup> Available at <https://time.com/5011599/gun-deaths-rate-america-cdc-data/> visited on October, 22, 2019.  
<sup>XXV</sup> Ibid supra note 109.



The results of this study shows that USA has registered a total number of 612,506 gun deaths from 1999 to 2019, which is equal to 88 deaths per day during that period. This is how based on the statistics obtained from different organisms Amnesty International has estimated the annual number of gun related deaths at 30,000 per year<sup>xxvi</sup> and also notes that 1,637 children died from gun related violence in 2016, among which 862 were homicides and 633 were suicides,<sup>xxvii</sup> and talks about human rights crisis in the USA.

Note that access to guns has also caused to the creation of group of gangs in all the country, enrolling even children under the age of 17years old, who can get guns at cheaper prices from the black markets created in the poor neighborhoods, hence the creation of drug traffic networks, and a high rate of gun robberies every year. This is why the USA has become one of the world countries with highest rate of gun violence's, and one of the unsafe countries in the world despite its economic and military force. South Africa is also among the world countries that faces the same phenomenon at high scale.

### In South Africa

The law on the use and bearing of gun in South Africa, is embodied by the Firearms Control Act of 2000<sup>xxviii</sup> (FCA) and its subsidiary legislation, which is the Firearms Control Regulations<sup>xxix</sup> (FCA Regulations). These are the legal instruments that established the conditions under which a citizen can own a gun in South Africa. However, since twenty years about, South Africa is the first country in Africa with highest rate of gun related deaths and violence's. This was confirmed by several studies carried out by several institutions. For instance, the reports of United Nations Office on Drugs and Crime (UNODC)<sup>xxx</sup> from 1995 to 2012, reproduced in the survey report of 2012, on the World Top Countries with Highest Firearm- Related Deaths per 100,000 and the Most Guns per 100 people (it is a survey made to determine the number of gun related deaths per year out of 100,000 homicides, and the number of own guns out of 100 people) carried out by the American Medical Association (AMA, it is the largest association of physicians—both MDs and DOs—and medical students in the United States, founded in 1847 and incorporated in 1897. The AMA's mission The AMA's mission is to promote the art and science of medicine and the betterment of public health. This is how it is acting in the fighting against the right of citizens to guns since ten years about, in the USA and across the world, as it considers gun violence as a public health crisis) in collaboration with the World Health Organization (WHO) and the University of Cambridge (UC), and published in 2015,<sup>xxxi</sup> presents the following data's:

<sup>xxvi</sup> Available at [https://www.amnestyusa.org/issues/gun-violence/?gclid=Cj0KCQjwrrXtBRCKARIsAmbU6bGwiuHIDcl4nukRsJt1HjU11UhF3zEomeRZZVWsFogrw2N2r78rfN4aAqU4EALw\\_wcB](https://www.amnestyusa.org/issues/gun-violence/?gclid=Cj0KCQjwrrXtBRCKARIsAmbU6bGwiuHIDcl4nukRsJt1HjU11UhF3zEomeRZZVWsFogrw2N2r78rfN4aAqU4EALw_wcB) visited on October, 22, 2017.

<sup>xxvii</sup> Amnesty International 'Human Rights and US Gun Violence Crisis' available at [https://www.amnestyusa.org/wp-content/uploads/2018/09/Gun-Report-Full\\_16.pdf](https://www.amnestyusa.org/wp-content/uploads/2018/09/Gun-Report-Full_16.pdf) visited on October, 25, 2019.

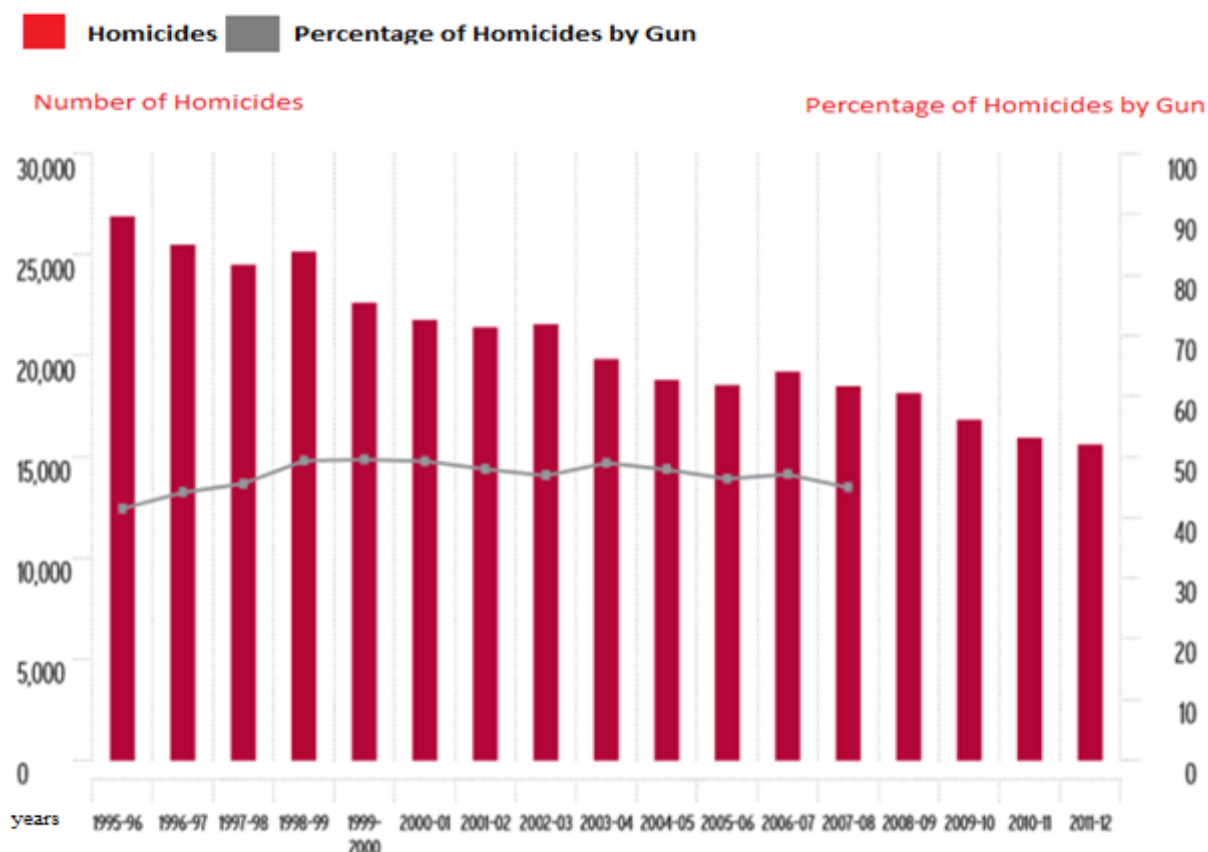
<sup>xxviii</sup> Firearms Control Act 60 of 2000 (FCA), as amended, 3 Butterworths Statutes of the Republic of South Africa [BSRSA] (rev. ed. 2011). No online source for the current version of the FCA was located. The text of the original Act can be found on the website of the South African government, <http://www.info.gov.za/view/DownloadFileAction?id=68229>, along with the text of Firearms Control Amendment Act 43 of 2003, <http://www.info.gov.za/view/DownloadFileAction?id=68021>. The text of Firearms Control Amendment Act 28 of 2006 is available on the website of the South African Gunowners' Association (SAGA), <http://www.saga.org.za/FCA%20Amendments%20ACT%202006%20gaz%2030210%2020070822.pdf>. [Back to Text].

<sup>xxix</sup> FCA 2000: Firearms Control Regulations (FCA Regulations), No. R. 345, Government Gazette [GG], No. 26156 (Mar. 26, 2004), <http://www.info.gov.za/view/DownloadFileAction?id=161734>, amended by the FCA, 2000: Amendment of the FCA Regulations, 2004, No. R. 696, Government Notices [GN], No. 27781 (Sept. 16, 2005), <http://www.info.gov.za/view/DownloadFileAction?id=161672>. [Back to Text]. Reminding that before these laws took effect in 2004, firearms were regulated through the Arms and Ammunition Act 75 of 1969 (the 1969 AAA). All information's about are also available at <https://www.loc.gov/law/help/firearms-control/southafrica.php#f3> visited on October, 4, 2019.

<sup>xxx</sup> The United Nations Office on Drugs and Crime (UNODC) is a United Nations office that was established in 1997 as the Office for Drug Control and Crime Prevention by combining the United Nations International Drug Control Program (UNDCP) and the Crime Prevention and Criminal Justice Division in the United Nations Office at Vienna. It is a member of the United Nations Development Group and was renamed the United Nations Office on Drugs and Crime in 2002.

<sup>xxxi</sup> Available at <https://businesstech.co.za/news/government/91284/south-africa-is-the-second-worst-country-for-gun-deaths-in-the-world/> visited on June, 15, 2019.

**The Number and Percentage of Homicides Committed with Guns from 1995-2012**



**Source:**UNODC Annual Reports on Gun Homicides in South Africa 1995-2012

The interpretation of this graph shows that out of an estimation of 22,000 homicides committed per year from 1995 to 2012, 60% on average are homicides committed with guns. Which gives a total number of 13,200 gun homicides per year from 1995 to 2012, close to 36 gun homicides per day during that period. Which means that 36 persons were killed by gun everyday in South Africa from 1995 to 2012. What gives a total number of 81,906,000 peoples killed by guns from 1995 to 2012, out of a total number of 136,510,000 homicides committed during that period according to an approximate interpretation of this this study. In the same report, the AMA, the WHO and the UC have presented the results of their own survey (on the World Top Countries with Highest Gun Related Deaths per 100,000 and the Most Guns per 100 people, going from 2010 to 2012). The results show South Africa as the second country in the world with highest rate of gun related deaths after the USA,<sup>xxxii</sup> giving a number estimated at 9.41 deaths per 100.000 people and the sixteenth highest number of guns per 100 people at 12.7, presented as follows:

**AMA-WHO-UC- on World Top Countries with Highest Gun Related Deaths per 100,000 and the Most Guns per 100 people, going from 2010 to 2012.**

SR#	Country	Gun deaths per 100,00 population	Guns per 100 population
1	United States	10.20	88.8
2	South Africa	9.41	12.7
3	Switzerland	3.84	45.7

<sup>xxxii</sup> Ibid.



4	Finland	3.64	45.3
5	France	3.00	31.2
6	Australia	2.94	30.4
7	New Zealand	2.66	22.6
8	Canada	2.44	30.8
9	Belgium	2.43	17.2
10	Malta	2.16	11.9
11	Israel	1.86	7.3
12	Luxembourg	1.81	15.3
13	Norway	1.78	31.3
14	Portugal	1.77	8.5
15	Greece	1.50	22.5

**Sources:**AMA, WHO and UC Survey Report on World Top Countries with Highest Gun Related Deaths per 100,000 and the Most Guns per 100 people, 2010-2012.

This means that out of an estimation of 100, 000 people, in 2012, South Africa has lost 9,410 people killed by guns, and, out of an estimation of 100 people, 12.7 had private guns. This has placed South Africa as second country in the world with highest gun-related deaths in 2012, behind the USA according to this study.<sup>xxxiii</sup>

In 2015 and 2016, a study made by the Gun Free South Africa (also called GFSA, the Gun Free South Africa is a non-profit organization committed to reducing gun violence in South Africa. Created since 1994, the GFSA has remained a vital and vocal voice for the unarmed majority, helping contribute to overall safety and security in South Africa) indicates that “sixteen people are murdered with a gun everyday in South Africa”<sup>xxxiv</sup> which gives a number of 5,840 people killed by guns every year between 2015 and 2016. In 2017, a study conducted by the GFSA again, stated that between 18 and 21 of the 52 South Africans murdered by day were killed with guns<sup>xxxv</sup> which gives approximately the same number of gun deaths obtained by the study of 2015 and 2016.

In November 2018, the South African Police Service (SAPS) released the crime statistics covering the period of 1 April 2017 to 31 March 2018, which indicate that the murder rates increased by 6.9%.<sup>xxxvi</sup> They mention that South Africa has seen 1,320 increase in murders, going from 19,016 from 2016 to 2017, to 20,336 from 2017 to 2018, with an average of 57 murders per day of which almost half were killed by guns. Which means that 28.5 people were killed by guns everyday, which gives a number of 10,168 people murdered by guns each year between 2017 and 2018. Although the biggest part of the victims were men whose the age goes from 18 to up, the statistics also show a total number of 2,930 women and 294 girls killed by guns during that period.<sup>xxxvii</sup> They also show by estimation that about 15 boys per year were also killed by guns in that period,<sup>xxxviii</sup> and all in multiple circumstances as usual, either during robberies or burglaries; public shoots, or after been raped for women and girls, and in cases of revenge, and house attacks or domestic violence. From these facts, we can see how access to guns to citizens in South Africa has also become a tool of crime against women and children, which are a social layer strongly protected by human rights.

<sup>xxxiii</sup> Ibid, 18.

<sup>xxxiv</sup> ‘Gun Violence and Prevention in South Africa’ available at <https://www.saferspaces.org.za/understand/entry/gun-violence#GunDeathsInSouthAfrica> visited on June, 23, 2019. However, although we can consider that the number of gun homicide was reduced between 2015 and 2016.

<sup>xxxv</sup> ‘Gun Deaths in South Africa’ available at <https://www.saferspaces.org.za/understand/entry/gun-violence#GunDeathsInSouthAfrica> visited on June, 23, 2019.

<sup>xxxvi</sup> Published by News24, Available at <https://www.news24.com/SouthAfrica/News/murder-by-numbers-this-is-the-rate-of-killing-in-sa-20180911> visited on April, 21, 2019.

<sup>xxxvii</sup> Published by Forbes, “Shots fired: South Africa gun violence” available at <https://www.forbesafrica.com/current-affairs/2018/12/14/in-pictures-shots-fired-gun-violence-in-south-africa/> visited on May, 17, 2019.

<sup>xxxviii</sup> I have given this estimation based on the details brought by the statistics of 2017 and 2018. They show that the number of murdered boys had increased of 117 boys in 2018. So considering that almost half of all murders were committed with guns, we have devised 117 by two that gave 14.5 which is around 15 of boys killed by guns in 2018. This how we have borrowed this number to estimate the number of boys killed by guns every year in South Africa.

This is why, today in South Africa, as men, women and children are taught to use guns at the outdoor range, in order to make them capable to defend themselves, as they used to say “we have to.”<sup>xxxix</sup> It is the case of Donne Oosthuizen, a woman who has been working with the Community Policing Forum (CPF)<sup>xl</sup> since 2002, before to join the neighborhood watch under the Douglasdale precinct, in the northern suburbs of Johannesburg in 2012, where she had the task and responsibility to patrol the street to protect the community. She has two daughters, aged seven and 10, and encourages them to practise at the shooting range, hence she states that “so they are not scared of using fire arms if they need to protect themselves... If there is a situation at home where we are not able to protect ourselves because we have been shot, they can then protect themselves. They both shoot 9mm guns,” but, she also maintains that “I have not been happy that my daughter has guns but I understand that in the times we live in, we sometimes have to protect ourselves, especially as women... and also so they are aware of the dangers of using them.”<sup>xli</sup> As Donne Oosthuizen, Judy Holding is another sharpshooter at the Black Duck range who has been handling guns since 2016. She says “South Africa is dangerous and you need to be quite ready. We love this country, so if we are going to be here, we need to be prepared to live where we are.”<sup>xlii</sup> These two allegations show the state of the people who in face of the incapacity of the government to provide an efficient security to them, are forced to take such risks, by even arming minor children, because they are left to their own devices.

Many cases of gun suicide are also identified every year. For instance, the study carry out by the GFSA in 2015 and 2016 shows that in South Africa 780 people committed suicide with a gun in 2009, with an estimation of 2 persons per day.<sup>xliii</sup> According to the recent studies conduct by the GFSA in 2018, guns are used in 14% of suicides in South Africa,<sup>xliv</sup> while the statistics presented by the WHO in 2012 indicates that the number of suicide in South Africa has not really change, it remaining around 6,000 per year with a percentage of 11.6% per 100,000 people, which means that we can consider that up to now gun suicide represents 14% of suicides, which is about 840 gun suicides per year out of 6,000 suicides registered every year on average, which is a considerable human loss.

From these statics, it becomes clear to understand that the in South Africa the right to guns to citizens is no longer used for self-defense, but, it has become a tool of support for delinquents to accomplish criminal acts, because this right has even allowed the illegal sale and purchase of guns, which has given birth to a phenomenon of group of gangs who are violating human rights by causing desolation and sadness in the community, enlisting teenagers, boys and girls in the network. Hence, to ensure their own security in face of this scourge, people are obliged to also get a gun, even going to steal the principle for the exception, that says that the person must be 21 years old to get gun license unless convincing reasons are requiring to get gun license or competency certificate before the stipulated age,<sup>xlv</sup> which is giving place to a sort of game where the faster wins. Which worse violence and insecurity within the country, by curbing the liberty of the people, and putting their life in danger. This why South Africa is now considered as one of the violent and dangerous places in the world.<sup>xlvi</sup> Apart from South Africa, France also lives the same situation.

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<sup>xxxix</sup>Ibid, 24.

<sup>xl</sup> A Community Police Forum (CPF) is a group of people from different communities and police representatives who meet to discuss safety problems in their communities in South Africa. They aim at ensuring police accountability, transparency, and effectiveness in the community. CPFs are established in terms of section 19(1) of the SAPS Act, Act 68 of 1995.

<sup>xli</sup>Ibid at supra note 24.

<sup>xlii</sup> Ibid.

<sup>xliiii</sup>Ibid, 21.

<sup>xliv</sup> ‘Prevent Suicide’ available at <http://www.gfsa.org.za/take-action/how-to/stop-a-gun-related-suicide> visited on June, 21, 2019.

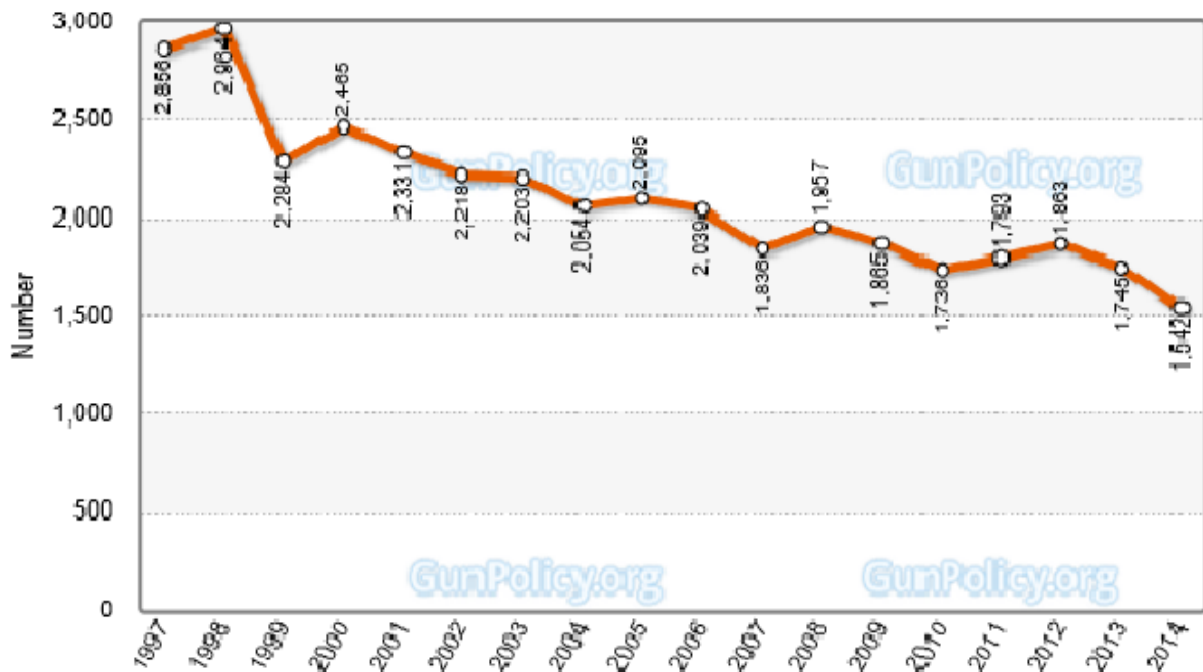
<sup>xlv</sup> South Africa Firearms-Control Legislation and Policy available at <https://www.westerncape.gov.za/service/getting-firearm-licence> visited on June, 22, 2019.

<sup>xlvi</sup> ‘South Africa is one of the most violent and dangerous places in the world’ available at <https://businesstech.co.za/news/lifestyle/272641/south-africa-is-one-of-the-most-violent-and-dangerous-places-in-the-world/> visited on August, 11, 2019.

**In France**

The gun legislation in France is guided by a series of laws, which are, the Internal Security Code; the Decree No. 2013-700 of 30 July 2013 on the Implementation of the Act No. 2012-304 of 6 March 2012 on the Establishment of a Modern, Simplified and Preventive Control of Weapons; the Defence Code; the Order of 2007 on the Creation of the Application for the Management of the Computerized Register of Owners and Holders of Firearms; the Decree on Exports of Firearms of 2014; the Order of November 15, 2000 on Modalities for Destruction by Gunsmiths of Firearms; the Ordinance 2004-1374 of 20 December 2004 concerning the legislative part of the Defence Code that repealed the Decree-Law of 18 April, 1939 on Weapons of War, Firearms and Ammunition; the Council Directive of 18 June, 1991 on Control of the Acquisition and Possession of Weapons; the European Union Firearms Regulation of 2012, the Common Position on the Control of Arms Brokering of 2003 and the Convention of 1 July, 1969 on Reciprocal Recognition of Proof marks on Small Arms.<sup>XLVII</sup> Thus, according to these legal texts, only citizens who held a gun license may lawfully acquire, possess or transfer a gun or ammunition.<sup>XLVIII</sup> And, the applicant of a gun owner license must be aged from 18 years old,<sup>XLIX</sup> taking into account a perfect mental state, and, he or she should not have been convicted for crimes. But, these dispositions established by the French legislator in order to allow citizens to express their right to self defense, has become a tool of violence, responsible of delinquency, homicides, infringing the right to life, security and liberty of people. The studies conducted by the institutions concerned by the scourge in France, confirm our allegation. Among them the study guided by the School of Public Health of Sydney University in the USA that shows that about 37,846 people have lost their life by private guns in France, from 1997 to 2014, through homicides; suicides; mass public shootings; etc. The graph below details this number as follows:

**France, Total Gun Deaths 1997-2014**



*Source: Alpers, Amelie Rossetti and Leonardo Goi, 2019. Guns in France: Total Number of Gun Deaths Sydney School of Public Health, the University Sydney. GunPolicy.org. 1 July. Accessed 10 October 2019. At [https://www.gunpolicy.org/firearms/compareyears/66/total\\_number\\_of\\_gun\\_deaths](https://www.gunpolicy.org/firearms/compareyears/66/total_number_of_gun_deaths)*

<sup>XLVII</sup> Available at <https://www.gunpolicy.org/firearms/region/france> visited on September; 2; 2019.

<sup>XLVIII</sup> For instance ‘Article L. 312-4 - Acquisition and Possession of Firearms of Category B.’ Internal Security Code - Legislative Part (Code de la sécurité intérieure - Partie législative); Book III, Title I, Chapter II (Section 1, Article L312-4). Paris: President of the French Republic. Available at <https://www.gunpolicy.org/firearms/citation/quotes/10776> visited on September; 2; 2019.

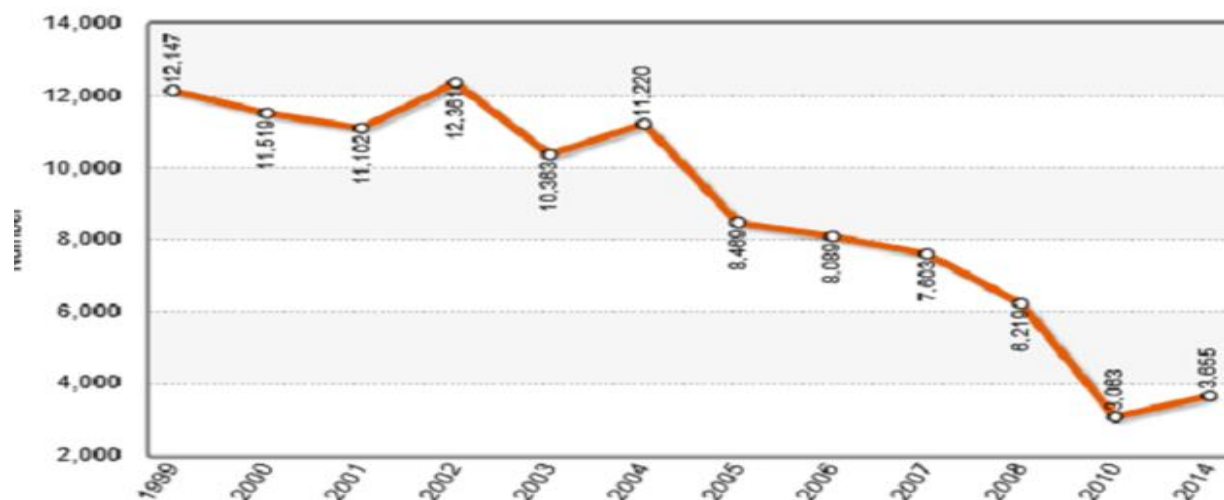
<sup>XLIX</sup> Such as the European Council. 1991 ‘Article 5.’ Council Directive of 18 June 1991 on Control of the Acquisition and Possession of Weapons (91/477/EEC) [current to 2008 amendments]; Chapter 2. Brussels: Council of the European Communities. Available at <https://www.gunpolicy.org/firearms/citation/quotes/2409> visited on September; 2; 2019.

In October 2017, the French criminal police released that France has reached an average of 1,800 gun deaths each year these recent years,<sup>L</sup> and, the number of guns (both legally and illegally) held by citizens is estimated at 10 million according to the figures published last year by GunPolicy.org. Other studies reveal that there may be as many 20 million guns owned by citizens,<sup>LI</sup> which is important enough for a nation of 65 million people, because it represents 30% and more than 1/3 of the French population. This is what places France at the 12<sup>th</sup> global place in the rank of gun ownership, according to the Small Arms Survey,<sup>LII</sup> and, justifies the different mass shootings that France has known these recent years, whose the most pitiful incident is the one that happened in November 2015 in Bataclan Concert Hall in Paris, where 89 people killed.<sup>LIII</sup> It also justifies the multiple repeated cases of armed robberies in France of which the most aggravate case of these two last years is the armed robbery that happened on January, 22, 2019 at Milleis bank located few hundred meters from the Elysee Palace Avenue in the French capital, where an armed group had sequestered the bank's workers before to empty more than 30 coffers of money of which the amount did not been revealed by the police report.<sup>LIV</sup> Other form of violences with guns such as rapes and kidnappings, are sometimes registered in France as well. India also faces the same problem.

## In India

In accordance with the Arms Act of 1959, and the Arms Rules of 2016, licensed gun owners may lawfully acquire, possess or transfer a firearm or ammunition,<sup>LV</sup> provided that the gun license applicant must reach 21 years old including good criminal record and perfect mental state. From the law, illicit networks have also been emerged. Hence India has gone from 40,000,000 to 71,101,000 guns (both licit and illicit), held by citizens<sup>LVI</sup> and has been ranked at the second place among the countries with highest number of private owned guns in 2007, out of 178 countries.<sup>LVII</sup> This is one of the main causes of the high rate of gun homicides and other gun violence's, causing insecurity in that country. For instance, according to a study presented by GunPolicy.org, India has registered a total of 105,810 gun deaths related to gun violence from 1999 to 2014, as detailed by the following graph:

### India, total number of gun related deaths linked to gun violence from 1999-2014



**Source:** India, number of gun related deaths linked to gun violence from 1999 to 2014, available at [https://www.gunpolicy.org/firearms/compareyears/82/total\\_number\\_of\\_gun\\_deaths](https://www.gunpolicy.org/firearms/compareyears/82/total_number_of_gun_deaths) visited on October, 30, 2019.

<sup>L</sup> Published in the local, available at <https://www.thelocal.fr./20171004/five-things-to-know-about-guns-in-france> visited on September, 10, 2019.

<sup>LI</sup> Ibid.

<sup>LII</sup> Ibid at supra note 68.

<sup>LIII</sup> Ibid.

<sup>LIV</sup> Published by China daily available at <http://www.chinadaily.com.cn/a/201901/23/WS5c47c988a3106c65c34e5fc7.html> visited on October; 3; 2019.

<sup>LV</sup> Available at <https://www.gunpolicy.org/firearms/region/india> visited on October, 29, 2019.

<sup>LVI</sup> Ibid.

<sup>LVII</sup> Karp, Aaron. 2007 'completing the Count: Civilian firearms.' Small Arms Survey 2007: Guns and the City; Chapter 2 (Annexes 1-5), p. 67 refers. Cambridge: Cambridge University Press. Available at <https://www.gunpolicy.org/firearms/citation/quotes/4> visited on October, 30, 2019.

This gives a total of 24 gun deaths per day during that period. According to a study carried out in 2016 by the Institute for Health Metrics and Evaluation (known as IHME, an independent population health research center at UW Medicine, part of the University of Washington, that provides rigorous and comparable measurement of the world's most important health problems and evaluates the strategies used to address them) on the countries with most gun related deaths, India was ranked as the third world country having most gun related deaths out of 195 countries as presented:

**The ten first countries with most gun-related deaths; based on IHME aggregate data from homicides; suicides and accidental injuries, 2016**

Country	Deaths
1 Brazil	43,200
2 United States	37,200
3 India	26,500
4 Mexico	15,400
5 Colombia	13,300
6 Venezuela	12,800
7 Philippines	8,020
8 Guatemala	5,090
9 Russia	4,380
10 Afghanistan	4,050

Source: IHME available at <https://theprint.in/india/india-sees-the-third-highest-firearm-related-deaths-in-the-world/274576/visited> on 30, October, 2019.

The 26,500 gun related deaths registered in 2016 can be deduced to 72 gun related deaths everyday. There is also a great risk to see young people, male and female to be more involved in gun violence as perpetrators and victims in the close next years, due to the easy access to guns. For instance, in 2018 an eighteen-year old boy brought a firearm to his school in the city of Jacobpura, before to be arrested by the police. The school managers noted that this kind of act has become common in schools, putting kids and school administration in danger.<sup>LVIII</sup> This explains the incident that happened the same year in Swami Vivekananda School in the city of Yamuna Nagar, where an eighteen-years old boy marched into the principal's office and shot her three times, then she died few hours later in a private hospital where she was took after being shot. According to the media the principal refused to accept his late project report submission following his record of plummeting class attendance.<sup>LIX</sup>

<sup>LVIII</sup> Gun violence is not just a US problem, it has reached our Indian schools, reported by 'The Time of India' available at <https://timesofindia.indiatimes.com/blogs/shaira-mohan-blog/gun-violence-is-not-just-a-us-problem-it-has-reached-our-indian-schools/> visited on October, 31, 2019.

<sup>LIX</sup> Ibid.



Armed robberies with guns is also common in India, it even becomes difficult to determine the annual number of gun robberies. But, banks are the most victims. It is known that rape is a common reality in India. Thus, many cases of rapes are committed by the group of gangs with guns, who consider the use of gun as a fast means to reach and weaken their prey. This how in India women live in fear. These group of gangs are also committed Kidnappings which have become very common phenomenon in India, causing human trafficking sometimes. Between 2018 and April 2019 an alarming 3,041 young boys and girls were kidnapped. Out of these 3,041, the count of young girls stood at 2,000 whereas the count of boys was at 1,041 of the above 1,422 girls and 792 boys were found but a significant number remained untraceable.<sup>LX</sup> According to a report of the National Human Rights Commission of India, 40,000 children are abducted each year, leaving 11,000 untraced.<sup>LXI</sup> NGO's estimate that between 12,000 and 50,000 women and children are trafficked into the country annually from neighboring nations as a part of the sex trade.<sup>LXII</sup>

From these facts, we can now agree that the right of citizens to guns constitutes a threat for the global security and peace, violating the Article 3 of the UDHR thoroughly, that wants people to remain alive, and live in security and liberty. According to several studies more than 200,000 people are killed by owned guns across the world. The 'Journal of American Medical Association' (JAMA) has reported about 251,000 every year.<sup>LXIII</sup> This can be supported by the world statistics presented by the World Population Review that indicates that more than 250,000 people died in 2016 as a result of guns worldwide, with Brazil, USA, Mexico, Colombia and Venezuela at the top of the list. About 64% of gun deaths were the results of homicide, 27% of suicide, and 9% for accidental injuries caused by guns,<sup>LXIV</sup> taking in consideration other type of gun violence's, and all the phenomenon caused by this sad reality. Therefore, I have figured out that this legal and social reality also brings negative consequences on the socioeconomic life of the countries, violating the Article 25 of the UDHR.

### **Socioeconomic Consequences Caused by the Right of Citizens to Guns, Violating the Article 25 of the UDHR**

In accordance with the Article 25 of the UDHR everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. This is fundamentally linked to the socioeconomic rights of the persons. However, we can agree that it is difficult, and almost impossible to provide all these rights to people in an area where security, peace, and even the liberty and the life of the people are threatened. In fact, to allow people to get adequate standard living for themselves and their family, basically governments need to create jobs. But, given the economic challenges that the world is facing today, it becomes difficult for governments to employ every people. This is how most countries have adopted the capitalism as economic system, which is a liberal economic system in which country trades and industries are controlled by private owners for profit, rather than by States (even socialist countries are now applying the social capitalism system to face the economic challenges of our era).<sup>LXV</sup> In this economic system, governments do not create jobs but give opportunity to private sector to create. This is how governments need the involvement of the local and foreign investors. Yet, in such climate of insecurity it becomes sometimes hard for local investors to get motivation to invest back home, and also hard to attract foreign investors.

<sup>LX</sup> Available at <https://www.indiatoday.in/india/story/mumbai-child-kidnapping-on-the-rise-reveals-rti-1576232-2019-08-01> visited on October, 31, 2019.

<sup>LXI</sup> Available at [http://www.childtrafficking.org/cgi-bin/ct/main.sql?file=view\\_document.sql&TITLE=-1&AUTHOR=-1&THESAURO=-1&ORGANIZATION=-1&TOPIC=-1&GEOG=-1&YEAR=-1&LISTA=No&COUNTRY=-1&FULL\\_DETAIL=Yes&ID=2852](http://www.childtrafficking.org/cgi-bin/ct/main.sql?file=view_document.sql&TITLE=-1&AUTHOR=-1&THESAURO=-1&ORGANIZATION=-1&TOPIC=-1&GEOG=-1&YEAR=-1&LISTA=No&COUNTRY=-1&FULL_DETAIL=Yes&ID=2852) visited on November, 4, 2019.

<sup>LXII</sup> Available at <https://www.childlineindia.org/child-trafficking-india.htm> visited on November, 4, 2019.

<sup>LXIII</sup> America is one of 6 countries that make up more than half of gun deaths worldwide. Available at <https://www.vox.com/2018/8/29/17792776/us-gun-deaths-global> visited on November, 6, 2019.

<sup>LXIV</sup> Gun Deaths By Country Population. (2019-11-05). Retrieved 2019-11-06, from <http://worldpopulationreview.com/countries/gun-deaths-by-country/> visited on November, 6, 2019.

<sup>LXV</sup> Nowadays even socialist countries have adopted the capitalism system to face the economic challenges of our era. It is the case of the People Republic of China who has associated the socialism with the capitalism system, hence the social capitalism system actually applied in China. In this system the governments encourage private investments and dictate the rules.

As consequences, we have an increase rate of unemployment in most of those countries, which is causing other social phenomenon's such as increasing of poverty rate, decrease of education rate, prostitution and street children as it is the case in many countries in the world (particularly in the countries who have not set the basis of development yet such as many countries of Africa, America, Asia and East of Europe) which keep them in delinquency and criminality, violating the human rights of others. Reminding that this legal and social reality also makes obstacle to the promoting of tourism which has become an important economic lever nowadays,<sup>LXVI</sup> because tourists do not want to risk their lives, as many of them have often been kidnapped and killed in the regions with highest rate of gun violence's, which constitutes an important economic loose for the world.

Yet, China has abolished this legislation since more than twenty years, and now counts among the most safe and stable countries in the world. Thus, the experience of that country on guns control policy can serve as model to follow, in order to respond to this global threat, which has become a security and socioeconomic threat for the world, violating human rights.

### **China's Guns Control Policy: An Efficient Means for Human Rights Protection**

The law on guns control in China is guided by the Law of the People's Republic of China on Firearms Control, in force since October 1, 1996. Established for the purpose of tightening control over guns, preserving public security and order, and ensuring public safety as stated in the Article 1, the law clearly specifies that the use and carry of guns is strictly reserved to police security organs (policemen), that can include defense organs (army), State security organs, prisons and institutions of reeducation through labour, judicial policemen of the People's Courts and the People's Procuratorates, people's procurators who are charged with the task of investigation of cases, and customs coast guards may, when performing their functions pursuant to law, and when it is definitely necessary for them to use guns, be armed with guns for the discharge of official duties. Professional guards and escorts of the country's important defense enterprises, banking institutions, storehouses and scientific research institutions also may, but, still in the performance of their tasks and when it is definitely necessary for them to use guns or to be armed with guns, all this in accordance with the Article 5. For that, a specific measures for arming with guns for the discharge of official duties shall be formulated by the public security department under the State Council together with other State organs concerned, and submitted to the State Council (which is the executive organ of the PRC) for approval before enforcement in regard with the principle of strict control. Which means that the law has conferred the use and carry of guns basically to regular and paramilitary police, and parallel institutions, but only in the performance of their duties and in case of necessity, under the approval of the States Council (Art.5 and 7).<sup>LXVII</sup> This clearly means that the members of these institutions cannot carry a gun for personal purposes.

Aside from the security and protection organs, and affiliates institutions, an exception has been made only for:

- Hunters, meaning hunting guns, used in hunting grounds that are built with the approval of the forestry administration department of the people's government at or above the provincial level. For that, hunters must apply to county-level public-security organs in the area for permission to carry hunting rifles. To do so, they must present their hunting licenses, where applicable, and identification cards (also refer to Art. 9 and 10). Hunting guns cannot be removed from hunting areas, hunters are required to keep and use them only in the hunting areas under the administrative control of the county where they are registered.
- Units for protecting and raising wild animals, and for conducting scientific research of such animals also may, for the needs of the work.
- Shooting sports, particularly to the sports units that are set up with the approval of the physical culture and sports administration department of the people's government at the provincial level to engage specially in target shooting competitions and profit-making shooting ranges that are set up with the approval of the public security organ of the people's government at the provincial level.

<sup>LXVI</sup> It is the case of Egypt, Senegal, Morocco and Capo Verde in Africa, are countries in which tourism contributes a lot in the national economy. Nowadays, even in the American countries such as USA and Brazil, and European countries as France and others, tourism plays important role in the national economy.

<sup>LXVII</sup> This mention has been clearer in the Article 7 of the Law of the People's Republic of China on Firearms Control that says that "Arming with guns for the discharge of official duties shall be subject to exclusive examination and approval by the public security department under the State Council."

However, these competitions are organised in the pastoral areas, and competitor's run guns and buy bullets on the site, and are required to leave guns on the site after using, which are collected by the public security organs.<sup>LXVIII</sup> It is strictly prohibited to take guns away.

All this in regard with the Article 6. It is to say that only citizens of these ranks these can bear or use a gun under the conditions established by the law. Which clearly means that there is no gun for personal protection and purposes for citizens. Nevertheless, Chinese authorities have established a special permit system governing the manufacture and rationed sale of guns. Without permission, no unit or individual may manufacture or trade in guns (Art 13), and guns are only sold to the governments.

Therefore, criminal punishments are provided against all units and individuals who possess, manufacture (alter and assemble included), trade in, transport, lease or loan guns in violation of the provisions of laws, and every unit and individual has the obligation to inform against any violations against the control of guns. And, State shall protect the informant and reward the persons who have rendered meritorious service by informing against criminal acts committed against the control of guns as said in the Article 3. In fact, those punishments are detailed in the Articles 103,105,107 and 109 of the Criminal Law of the People's Republic of China that considers these acts as crimes of endangering national and public security, and are sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years, and even to life imprisonment and death penalty in severe cases.

By taking such measures, Chinese authorities engaged themselves to take the responsibility of the security and protection of its people. This is how beyond the laws, they have set up efficient strategic and technical measures of security in order to better accomplish their task and respond to their duties.

### **Strategic and Technical Measures of Security Sat up by Chinese Authorities**

In order to make domestic public security policy more efficient, Chinese authorities have put in place new strategic and technical measures which have allowed to innovate domestic mechanisms of security and to adapt them with the new security challenges. Nevertheless, financial means or budget in other words, is the strategic measure of security aiming by Chinese authorities before technical measures. Indeed, the official figures reported by China's Ministry of Finance show that Chinese authorities give great regard on the budget of domestic public security. For example, they show that since 2007, China's annual spending on domestic public security has more than tripled to reach 1.24 trillion yuan (\$193 billion) in 2017, which is 6.1% of government spending, and 19% more of the USA domestic public security budget.<sup>LXIX</sup> It has even exceeded the national defense budget of China by roughly 20%.<sup>LXX</sup> Hence the figures released by the Chinese National Bureau of Statistics (CNBS) indicates that annual security spending per person has gone from 254.4 Yuan per person (\$36.35) in 2008 to 756.2 Yuan per person (\$108.04) in 2017.<sup>LXXI</sup> Note that the budget for public domestic security covers regular and paramilitary police, courts, prosecutors and prisons charges. This budgetary arsenal has allowed to put in place and face technical measures such as:

- ✓ To strengthen human resources by recruiting more people within public security organ (police) that counts about 2,000,000 police officers<sup>LXXII</sup> today, and seems to be the most populous police in the world according to the site Wikipedia<sup>LXXIII</sup>(many of them operate out of offices).

<sup>LXVIII</sup> A Day at the Shooting Range – Beijing, China' available at <https://yourenotfromaroundhere.com/beijing-shooting-range/> visited on December, 15, 2019.

<sup>LXIX</sup> 'China spending puts domestic security ahead of defense' available at <https://asia.nikkei.com/Spotlight/China-People-s-Congress-2018/China-spending-puts-domestic-security-ahead-of-defense> visited on December, 17, 2019.

<sup>LXX</sup> 'China dramatically boosts spending on internal security' available at <https://www.marketwatch.com/story/china-dramatically-boosts-spending-on-internal-security-2018-03-06> visited on December, 17, 2019.

<sup>LXXI</sup> These figures were communicated by the Chinese National Bureau of Statistics (CNBS) from data's collected from Chinese Regional Departments of Finance (regions) and Chinese Ministry of Finance (domestic), a study made by Adrian Zenz, available at <https://www.wsj.com/articles/china-spends-more-on-domestic-security-as-xis-powers-grow-1520358522> visited on December, 22, 2019.

<sup>LXXII</sup> This figure has been released by INTERPOL National Central Bureau (NCB) of China, available at <https://www.interpol.int/en/Who-we-are/Member-countries/Asia-South-Pacific/CHINA> visited on December, 18, 2019.

- ✓ To provide good training to police officers through public security academies established in almost all provinces of China (under the Ministry of Public Security) , of which the most famous is the People's Public Security University of China (PPSUC) located in Beijing. Apart from training exercise they are also trained in certain disciplines amongst others criminal investigation, criminology, management, information security, traffic control, forensic science, and certain disciplines of law such as criminal law, criminal procedure and human rights, and, administrative and constitutional law. Foreign languages are also taught.
- ✓ To provide good salaries to police officers, who are reaching about 9, 685 yuan (\$1,381.52) minimum, to 36,377 yuan (\$5,189.00) maximum per month. The median salary is 24,566 yuan(\$3,504.22) per month, which means that some police Officers are earning less than 24,566 yuan (\$3,504.22), and others are earning more than 24,566 yuan (\$3,504.22)<sup>LXXIV</sup> what is more than enough according to the living cost of China. This leads them to accomplish their duties with passion and rigor, and to be less corrupt.
- ✓ To involve high technology in public security system. For example, China has reached about 200 million camera surveillances with facial recognition (capable of capturing thousands of faces at a stadium in perfect detail and generate their facial data for the cloud while locating a particular target in an instant, and to bring out all information's about him) installed over the country, which is four times as many as the United States, and amounts to approximately one camera per seven citizens.<sup>LXXV</sup> This is what makes China the most monitored country in the world before the UK.<sup>LXXVI</sup> Chinese authorities asserted that in the four years up to 2012, 100,000 crimes has been solved with the aid of the cameras.<sup>LXXVII</sup> That is what express the will of Chinses authorities to cover the country of more cameras that are expected to reach 626 million by 2020, as the city of Shenzhen alone reportedly intends to raise its number of surveillance cameras from 1.93 million to 16.68 million in the upcoming years.<sup>LXXVIII</sup> That will amount to approximately one camera for 3 citizens. It is on the basis of the results got from this policy that now Chinese authorities aim to build a nationwide video surveillance network for ensuring public security which will be omnipresent, fully networked, working all the time, and fully controllable according to an official document released in 2019.<sup>LXXIX</sup> In addition, software's allowing police to take control over internet network through mobile phones and computers have also been established,<sup>LXXX</sup> allowing police to intercept criminal plans and arrest their perpetrators in few time. It is one of the means that spares China from terrorist attacks. Mobile phone applications allowing citizens to report violations have also been launched. That is why important number of civilians work with the police as volunteers, using those applications as tool of communications between them and regular police.<sup>LXXXI</sup> It is also important to note that since 1996 Chinese authorities have also launched a vast program of campaign aiming to crackdown on illegal guns that happened almost every year. For example, the campaign of 2018 has allowed to confiscate 146,000 guns according to the government statistics.<sup>LXXXII</sup>

For the same interest, to better guarantee national security and territory protection, Chinese government has also established compulsory military service in order to strengthen the protection of its territorial integrity, and to prepare its people in case of external aggression.

<sup>LXXXIII</sup> List of countries and dependencies by number of police officers' available at [https://en.wikipedia.org/wiki/List\\_of\\_countries\\_and\\_dependencies\\_by\\_number\\_of\\_police\\_officers](https://en.wikipedia.org/wiki/List_of_countries_and_dependencies_by_number_of_police_officers) visited on December, 19, 2019.

<sup>LXXIV</sup> 'Police Officer Average Salary in China 2019' available at <http://www.salaryexplorer.com/salary-survey.php?loc=44&loctype=1&job=504&jobtype=3> visited on December, 20, 2019.

<sup>LXXV</sup> 'Inside China's Dystopian Dreams: A.I., Shame and Lots of Cameras' available at <https://www.nytimes.com/2018/07/08/business/china-surveillance-technology.html> visited on December, 20, 2019.

<sup>LXXVI</sup> 'Big Brother is watching: Chinese city with 2.6m cameras is world's most heavily surveilled' available at <https://www.theguardian.com/cities/2019/dec/02/big-brother-is-watching-chinese-city-with-26m-cameras-is-worlds-most-heavily-surveilled> visited on December, 20, 2019, considers Chinese cities as the most surveilled cities in the world before the cities of the UK. From that, I consider China as the most monitored country before the UK.

<sup>LXXVII</sup> 'China's new 500-megapixel 'super camera' can instantly recognize you in a crowd' available at <https://thenextweb.com/security/2019/09/30/chinas-new-500-megapixel-super-camera-can-instantly-recognize-you-in-a-crowd/> visited on December, 20, 2019.

<sup>LXXVIII</sup> Ibid.

<sup>LXXIX</sup> Ibid, 212.

<sup>LXXX</sup> 'In addition, software's allowing police to take control over internet network through mobile phones and computers have also been established' available at <https://www.nytimes.com/2019/12/17/technology/china-surveillance.html> visited on December, 22, 2019.

<sup>LXXXI</sup> Ibid, 207.

<sup>LXXXII</sup> Reality Check: How safe is it to live in China? Reported by BBC News, available at <https://www.bbc.com/news/world-asia-china-46811397> visited on December 28, 2019.

This is stipulated in the Article 55 of the Constitution of the PRC which says “it is the sacred duty of every citizen of the People’s Republic of China to defend the motherland and resist aggression. It is the honourable duty of citizens of the People’s Republic of China to perform military service and join the militia in accordance with the law,” and in accordance with other relevant provisions of the Constitution.” This provision has been repeated in the Article1 of the Military Service Law of the People’s Republic of China (MSLPRC),<sup>LXXXIII</sup> while the Article 3 maintains that “all citizens of the People’s Republic of China, regardless of ethnic status, race, occupation, family background, religious belief and education, have the obligation to perform military service according to the provisions of this law” except those who have serious physical defects or serious deformities, and those who are deprived of political rights. Yet, the Article 12 specifies that “each year, male citizens who have reached 18 years of age by December 31 should be enlisted for active service. Those who are not enlisted during the year shall remain eligible for active service until they are 22, and the age limit for enlistment of graduates from regular institutions of higher learning may be relaxed to 24.” In fact, this allows China to better guarantee the protection of its territory integrity and to create a defense of reserve capable to react against external attacks, but without giving them the right to keep and bear guns.

Thus, these measures of security which are strictly based on efficient policy of restriction, have brought positive consequences on the security and socioeconomic sphere.

### Security and Socioeconomic Impacts

China’s anti-gun ownership policy has brought consequent results on the security and socioeconomic sphere. In fact, on the security sphere gun homicide and violence’s are almost inexistent in China today. This means that gun crimes or suicides are rarely encountered in China. This can be justified by the National Security Data’s of 2018 released by the Ministry of Public Security, which reports that gun related crimes has fallen by more than 80 percent compared with 2012, which makes China’s gun crime rate among the lowest in the world.<sup>LXXXIV</sup> This has allowed to reduce criminality rate which is now effective because by way of illustration, the 2016 government Report on National Security indicates that China’s homicide rate in 2016 was 0.62 per 100,000 residents, one of the lowest rates in the world.<sup>LXXXV</sup>

The China’s anti-gun ownership policy has also allowed Chinese authorities to protect the country against certain phenomenon’s that threat the global security because of gun ownership today such as robberies and kidnappings and terrorism because terrorism, because terrorist groups now are also using guns to operate as we see in many countries. In addition, the technical measures of security supported by the high technology also allow to the police to interrupt terrorist attack trough explosives. Hence, the 2016 government Report also reported that Crime related to explosives also fell by 60 percent over that period. This is why certain media see China as a credible partner in fighting terrorism,<sup>LXXXVI</sup> and recommend to USA to learn from China about gun control<sup>LXXXVII</sup> which is dividing USA society today. This is why China is now counted among the most peaceful countries in the world.

<sup>LXXXIII</sup> The Military Service Law of the People’s Republic of China(MSLPRC) was adopted at the Second Session of the Sixth National People’s Congress on May 31, 1984, Issued by Order No.14 of the President of the People’s Republic of China. It was amended for the first time on December 29, 1998, in accordance with the Decision of the Sixth Session of the Standing Committee of the Ninth National People’s Congress Concerning Amendment to the Military Service Law of the People’s Republic of China. Its second amendment intervened on August 27, 2009, in accordance with the Decision of the Tenth Session of the Standing Committee of the 11th National People’s Congress Concerning Amendment to the Some Laws, and was amended for the third time on October 29, 2011, in accordance with the Decision of the 23rd Session of the Standing Committee of the 11th National People’s Congress Concerning Amendment to the Military Service Law of the People’s Republic of China. Available at [http://eng.mod.gov.cn/publications/2017-03/03/content\\_4774222.htm](http://eng.mod.gov.cn/publications/2017-03/03/content_4774222.htm) visited on December, 22, 2019.

<sup>LXXXIV</sup> ‘Gun crime in China has fallen 80% since 2012’ reported by China daily, available at <http://www.chinadaily.com.cn/a/201802/08/WS5a7c058da3106e7dcc13b999.html> visited on December, 23, 2019.

<sup>LXXXV</sup> ‘The puzzle of China’s low crime rates’ available at [https://world.wng.org/2018/10/the\\_puzzle\\_of\\_china\\_s\\_low\\_crime\\_rates](https://world.wng.org/2018/10/the_puzzle_of_china_s_low_crime_rates) visited on December, 24, 2019.

<sup>LXXXVI</sup> Ibid, 21.

<sup>LXXXVII</sup> ‘Is China a Credible Partner In Fighting Terror?’ available at <https://foreignpolicy.com/2015/11/24/china-islamic-state-terrorism-war-beijing-paris-us/> visited on December, 24, 2019.



On the socioeconomic sphere, the peace built by the security measures, has created a favorable climate of businesses, pushing local investors to invest at home, and attracting foreign investors to invest in China, creating companies across the country that create jobs regularly. It has also created a favorable environment for tourism, which is now an important economic tool for the global economy. For example, in 2018, China's arrival of the inbound tourists reached 141.2 million with an increase of 1.2% over the same period as compared with 2017.<sup>LXXXVIII</sup> Concerning international tourism, China is now among the most fourth visited countries with an estimation of about 56.9 million international tourists per year.<sup>LXXXIX</sup> This brings important benefits on the economy of the country, as in 2016, the country accounted for 21% of the world's international tourism spending, or \$261 billion, and, in 2017, tourism contributed about CNY 8.77 trillion (USD 1.35 trillion), 11.04% of the GDP, and created direct and indirect employment of up to 28.25 million people.

Thus, all this justifies the low rate of unemployment estimated at 3.61%<sup>XC</sup> which is a great result for a country of more than 1.379 billion people and the most populous country in the world. This has allowed to reduce delinquency, poverty rate (that stands now around 1 percent according to a report of the World Bank)<sup>XCI</sup> prostitution, to eradicate children street, and to increase schooling rate which is above 100 percent today. This how China has become among the first world economic powers, and often placed on the first position by certain sources.

Hence, it becomes necessary and urgent for the countries of the world to adopt China's guns control policy in order to strongly respond to that global humanitarian emergency, and to better preserve global security and peace.

### **China's Guns Control Policy: A Response to the Humanitarian Emergency Caused by Citizens Right to Guns across the World**

With more than 200,000 people killed every year across the world, including other atrocities such as suicides, robberies, rapes, kidnappings and terrorist attacks, all perpetrated by private guns, disturbing security and global peace, and causing strong negative consequences on the socioeconomic life of the countries, it becomes urgent for the countries of the world to establish new policies likely to respond to that humanitarian crisis in efficient way. This how China's guns control policy may be a response to that humanitarian emergency. Firstly, the legal measure adopted by Chinese authorities through the Law of the People's Republic of China on Firearms Control may be a good starting point for the countries of the world in the fighting against this global threat, by:

- Conferring the right to bear and use guns only to security and paramilitary organs including army, and to the affiliated institutions, but only in the performing of their functions and when is definitely necessary, with the approval of the executive organs of States;
- Reserving the manufacture and selling of guns only to the companies chosen by governments, and their purchase only to governments;
- Prohibiting strictly the purchase and use of guns to citizens;
- Giving an exception for sport shooting of which the competitions should take place in the pastoral areas, and organized with the approval of the regional administrations of sports under the control of the regional department of security, and during which sport units will run guns with a certain amount and buy bullets on the site, and guns will be returned to the security organs present on the field, with interdiction to take them away, and also for hunters who will be required to apply to county-level public-security organs in the area for permission to carry hunting rifles, that will be used only in hunting grounds (with interdiction to bear them out of the hunting grounds), built with the approval of the Ministry of forest affairs, and;

<sup>LXXXVIII</sup> 'China Tourism: Get Known to Unknown Side of the Asian Giant' available at <https://www.discoverchina.com/article/china-tourism> visited on December, 25, 2019.

<sup>LXXXIX</sup> Ibid.

<sup>XC</sup> 'China Unemployment Rate' by the China's Ministry of Human Resources and Social Security, available at <https://www.ceicdata.com/en/indicator/china/unemployment-rate> visited on December, 25, 2019.

<sup>XCI</sup> 'China's extreme poverty rate to fall below 1% in 2018: World Bank' available at [https://www.alwihdainfo.com/China-s-extreme-poverty-rate-to-fall-below-1-in-2018-World-Bank\\_a61839.html](https://www.alwihdainfo.com/China-s-extreme-poverty-rate-to-fall-below-1-in-2018-World-Bank_a61839.html) visited on December, 25, 2019.

- Punishing illegal possession of guns for about 10 years of imprisonment, to life imprisonment, and even to capital punishment for the more severe cases.

These strong dispositions will put citizens in fear to get and own guns, which will progressively change the culture of gun of certain peoples and will lead them to adopt new behaviors far from violence. However, these dispositions need to be accompanied by some means in order to make them more effective. Thus, as the Chinese genius has proved, efficient security measures need to be associated to better implement these dispositions. This how financial means will play important role insofar as it will allow to increase police human resources, to provide them good salary and good training by creating good police academy trainings. These conditions will push police officers to perform their duty with interest and determination.

Financial means will also allow to involve high technology in the security policy of the countries by investing in surveillance cameras with facial recognition and a capacity capable to follow hundreds of people in same time over several kilometers, and, to identify one person among them, across the countries. By establishing some security applications allowing police to take control of all communication networks including internet, and which also allow citizens to report alarm and suspect cases to the police through their smartphones in less than one minutes. These measures will not only facilitate the police tasks but will also make them more efficient and rapid because they will be capable to interrupt criminal plans, identify suspect persons as well, and to arrest criminals in very short time with less difficulties.

Beside those measures, States also need to establish anti-guns campaign programs that will take place every year, and during which police will work with citizens for a short time to check on and seize guns in the hands of people, and punish the holders of those guns in regard with the law in place. To respond to the question concerning the defense of the territory as evocated in some constitutions among which the USA and Mexican constitutions, the military service in the logical of the Chinese model can be adapted by States as a replacement. All this will have strong positive effects in the security policy of the States insofar as it will only combat gun crimes but all crimes of violence, and allow States to comply with the Articles 3 and 25 of the UDHR.

### **The Mechanisms of Transplantation of the China's Guns Control Policy for States**

The mechanisms of transplantation will be the first and most important step that States will face in the process of transplantation. Indeed, following my suggestion, States should first of all proceed by collecting all the guns in the hands of people. For that it will be more strategic to launch a campaign aiming to buy those guns by giving amount of money to people who have guns (for example USD 300 for one gun that can also depend on the country, meaning the one who will bring two guns will get double of the amount) so that people who have guns will be motivated to give back those guns.<sup>XCII</sup> Then, to establish new gun laws that will prohibit the use and purchase of guns to citizens; confer the right to guns only to security organs and paramilitary services with strict restrictions; amend the manufacture and selling of guns by conferring the purchase of guns only to governments; amend shooting sport and competitions by prohibiting sport units to keep guns with them at home or in training centers, guns and bullets now will be rented and bought at the completion places (that should now take place in shooting ranges chosen by the sports and security local departments, and organized by the local department of sports under the control of the local department of security, with strict interdiction to bring them out of the competition areas) and will be give back to the security officers present on the field. The law will also amend the regulation on hunting guns by requiring hunters to hold a hunting license from the local government departments of forest affairs in order to apply for hunting rifles approval to the local government departments of security, with strict interdiction to bring those guns out of the hunting areas, and can only be used in the hunting areas under the administration of the local government department under which the hunting gun approval has been conferred.

<sup>XCII</sup> This strategy was also used in the Republic of Congo after the civil war of 1997, with the financial support of the World Bank. The Republic of gotten a subvention from the World Bank destined to buy guns that were in the hands of the ex-fighters. That money could help those ex-fighters to undertaken some small business to survive before to get a stable job. One of the particularity of this program in Congo is that, this program was a program of socioeconomic reintegration of which some of the ex-fighters were enrolled in the army, and others in some trainings to perform in the civil life. Available at [http://documents.banquemoniale.org/curated/fr/335541468019209050/pdf/723530WP0ROC0R0011200PUBLIC00FRE\\_NCH.pdf](http://documents.banquemoniale.org/curated/fr/335541468019209050/pdf/723530WP0ROC0R0011200PUBLIC00FRE_NCH.pdf) visited on February, 22, 2020.

The hunting also should now take place in pastoral areas chosen by the local government departments of forest affairs. But, the new gun laws also need to provide punishments for guns illegal possession which can reach about 10 years of imprisonment, and life imprisonment.

After setting up the legal means, States should make efforts to increase the workforce in human resources in the police, provide good salaries to police officers up to the cost of living of countries, and create police academies in order to provide them good training. From there, States should involve high technology in the security policy by installing surveillance cameras with facial recognition and high capacity across the countries, by establishing applications that will allow the police to take control of all communication networks, and those from which citizens can report criminal and suspect cases. And, organize campaigns every year aiming to seize illicit guns and punished their owners in accordance with the law in force. To reinforce the protection of the territory integrity, States can instore the military service from the age of 18 to 21 years old in order to make their people capable to react external attack.

Therefore, all these measures will require an important financial arsenal. Yet, given the incapacity of certain States to face these reforms, either because of financial and economic difficulties, or because of the principal of gun culture, it is urgent for the UN to fully involve itself in this process, given its duty vis a vis to the global people, and also given its authority upon global institutions. This will allow to recommend to States the abolishment of the right of civilians to guns at the most high level of the world decisions, and to obtain the financial aid from international financial institutions, particularly the World Bank, as it is often done in the post-war countries.

### **Recommendations Addressed to United Nations (UN)**

After having study the China's guns control policy, the mechanisms of security set up by Chinese authorities for the protection of citizens, and the measures of territory defense as well, I have figure out that all these measures can be a solution to the phenomenon of gun deaths and violence's which is affecting the world for almost two decades, violating the right to life, security and liberty of the people, infringing the Article 3 of the UDHR. It has even become an obstacle for the socioeconomic development of the countries, violating the Article 25 of the UDHR as proved upstream. In fact, China is among the rare countries immune to this phenomenon despite its population number and territorial scope. To avoid this scourge in China, Chinese authorities have put in place a series of reform. Those reforms were oriented on the legal, financial, and security front. The most important among them are:

- China has adopted the Law of the People's Republic of China on Firearms Control, on October 1, 1996, that set a number of dispositions the most severe of which are, the strict prohibition for citizens to own, manufacture and sell guns (the manufacture and selling of guns are reserved only to the companies chosen by the government, and government is the only guns buyer) sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years, and even to life imprisonment and death penalty for the severe cases (Art 103,105,107 and 109 of the Criminal Law of the People's Republic of China). The law only allows the use and carry of guns to security and defense forces (police and army) and affiliated organs, but strictly in the performance of their duty and in case of necessity, with the approval of the State Council. Nevertheless, an exception has been done to hunters holding hunting license, to units for protecting and raising wild animals (conducting scientific research of such animals also may, for the needs of the work), for shooting sport as well, but, with interdiction to take guns out of their exercise areas.
- China has increased its budget on domestic security, reaching 1.24 trillion yuan (\$193 billion) in 2017, exceeded the national defense budget of China of 20%. This allowed to build more training schools, to increase human resources which counts 2,000 police officers today, with a salary largely up to the blow of the living cost for middle cadres. To involve high technology in the security system by installing surveillance cameras with high capacity in almost all the country, estimated at 200 million, approximately one camera per seven persons. To put in place some mechanisms of technology that allow security organs to control communication networks, and to install applications that allow citizens to work with the police by reporting criminal cases through their mobile phones.
- To guarantee its territory defense without causing consequences to its people, the reform has established compulsory military service for citizens who have reached 18 years of age by December 31, and up to 24 years old for the cases of exceptions.

These measures has proved its efficiency on the field making China one of the rare world countries safe from gun crimes, and one of the safe and peaceful countries in the world. This puts China safe from several social phenomenon that comes from poverty, and allows a continued economic growth of this country, which is announced to be officially the first global economic power soon. By this fact, China is placed among the rare countries in the world that comply with the Articles 3 and 25 of the UDHR.

Yet, before the lack of decision of the countries to abrogate this legislation, the UN has to play a decisive role to get humanity out of this threat. For that, the UN will use the experiences of China as support to convince States members to abolish the right of citizens to keep and bear guns. Hence, the UN should recommend to States to:

1. Abolish the right of citizens to keep and bear guns. The right to guns must be reserved strictly to security and defense forces (police and army) and affiliated organs, but only in the performance of their duty plus case of necessity, with the approval of governments. However, the exception for hunters and units for protecting and raising wild animals, conducting scientific research of such animals and sport shooting can be kept but with more restrictions. They must hold license from the local public administration, and be prohibited to take guns out of out of their exercise areas;
2. Reserve the manufacture and selling of guns only to companies chosen by governments, and only governments may be the purchaser of guns;
3. Establish criminal punishment for those who will infringe these laws going from fixed-term imprisonment, to life imprisonment for severe cases;
4. Establish important budget for domestic security that will allow them to increase human resources, provide good training and salaries to police officers, and involve high technology in the security measures (through the installation of the cameras of surveillance and software security accessible to the public from which they can report criminal cases to the police);
5. Establish compulsory military service for citizens between 18 and 21 years old, without conferring the right to keep and bear guns to them. This will allow States to guarantee their territories defense without putting their peoples in danger, and will respond to the concerns of many countries, particularly the USA;
6. Launch a program of disarmament by the purchasing of guns that will be set at certain amount for one gun;
7. Recommend to World Bank to finance the disarmament program launched by the States, particularly in developing countries; and,
8. Declare a world day against the right of civilians to keep and bear guns. During these days the UN will organise seminars and conferences about the danger of conferring citizens the right to guns, by showing the damages that this has caused across the world, through documentaries and data's collected.

## **Conclusion**

The implementation of these recommendations by States will allow the UN to respond to the humanitarian urgency, to strengthen security and peace across the world, and to promote social well-being and economic growth.

This research has allowed to discover the origins of the right of citizens to keep and bear guns, to show the violations of human rights perpetrated through this right across the world, and to prove the threat that this right represents on the world and humanity today. It has also allowed to clarify that the culture of gun of the peoples does not respond to the current realities of the world, and to demonstrate that the issue about the security of the persons and the defense of the States is the full responsibility of governments through security and defense organs (police and army), and that, it is nowadays possible to fully ensure the security of the persons and States without conferring to citizens the right to own guns, because of the means developed by China. Hence the urgency for the UN to recommend to State members to abolish the right of citizens to guns by using China's experiences as model and argument of defense, and to establish a world day against the right of citizens to guns. This will contribute to reduce criminality rate, to strengthen peace, and to improve the socioeconomic situation across the world.

China's should keep to apply its guns control policy, considered as one of the best and most efficient according to several human rights observers, because it ensures the respect of the right to life, security and liberty of the people, contributes to the maintenance of the security and global peace, and participates to the respect of the socioeconomic rights of the people.

This confirms the attachment that Chinese authorities express towards human rights. Remind that, apart from the fact that China's has signed all the human rights convention, and that it is among the rare countries having adopted a domestic human rights law called "China's White Paper on Human Rights,"<sup>XCIII</sup> at the time of the drafting of the UDHR, the Chinese representative in the Third Committee of the UNGA, Mr. Chang, proposed a conceptual framework in which the initial three articles of the Declaration should express the main ideas of eighteenth century political philosophy on rights: Article 1 to express the idea of "fraternity;" Article 2 that of "equality;" and Article 3 that of "right to life, security and liberty" strongly linked with the cultural and socioeconomic rights<sup>XCIV</sup> which have been at the heart of this research.

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<sup>XCIII</sup> The "China's White Paper on Human Rights" is the legal instrument that guarantees human rights apart from the China's Constitution. It was published by in November 1991 the Chinese government, which that complies with the universal declaration of human rights.

<sup>XCIV</sup> Available at [http://ccnmtl.columbia.edu/projects/mmt/udhr/article\\_3.html](http://ccnmtl.columbia.edu/projects/mmt/udhr/article_3.html) visited on March, 4, 2020.