



HANDLING WEAPONS AS A SOURCE OF SECURITY THREATS IN THE LOCAL ENVIRONMENT

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Abstract

The main purpose of our presentation is to show the possible sources of endangering the safety of weapons handling in violation of the rules of special care. We want to shed light on the security risks posed by the actual use of weapons around local communities. Namely, the general position has been adopted, according to which weapons are by their nature a dangerous thing, which, if misused, poses a direct threat to life, health and safety of people and public order. Injuries and deaths due to the use of firearms are a serious public health issue in many countries. Accidental deaths and injuries due to the use of firearms represent a small but significant proportion of all deaths and injuries related to the use of firearms. The victim, however, can be either the shooter himself or a random individual. The causes lie mainly in the incompetence, carelessness, and recklessness, and often the presence of alcohol also contributes to weapons accidents. The article thus focuses primarily on the analysis of security threats arising from the execution of shootings on civilian shooting ranges, shooting ranges or land used by individuals and shooting organizations and in hunting grounds. These areas are generally located within local communities, which can pose a serious security risk to local communities. It should be noted that limited access to weapons, in conjunction with appropriate regulation, is the most effective measure to reduce the number of injuries and deaths related to weapons.

Keywords

Use of Weapons, Shooting Ranges, Hunting Grounds, Regulation of Weapons, Accidents with Weapons

I. Introduction

The main premise of this paper is that weapons are inherently dangerous and may pose an imminent danger to life, health and security of people, both holders of firearms as well as other individuals. Throughout history, weapons have maintained their nature or purpose as objects or items used in attacks and in defence, sport or hunting. They demonstrate power

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and dominance, are marketable goods, used in crimes, accidents, family tragedies, etc. Moreover, weapons are present in leisure activities such as hunting, sport or collection. It is exactly due to the above described nature of weapons that the government has continuously strived to establish effective control over the production, trade and possession of weapons to pursue two objectives, namely preventing the use of weapons for criminal purposes and protecting life, health and security of people as well as public order.

Weapons may be used in an entirely legal and responsible manner for civilian purposes, whereby civilian firearms are mainly intended for hunting, sport and collection, while only exceptionally for personal safety. It is unambiguously stated in the Communication from the Commission to the Council and the European Parliament (European Commission, 2013) that firearms in the wrong hands can have devastating consequences for citizens and communities.

From a public security perspective, civilian possession of weapons poses a threat to individuals' human rights. There is a strong correlation between levels of firearms ownership and death rates among vulnerable parts of the population, such as the poor, children and women. These groups are often victims of firearms, and this not only in conflict situations but also in times of peace (Regulation of Civilian Possession of Small Arms and Light Weapons, 2003).

Most of the world's firearms are held by civilians (Small Arms Survey, 2011). According to the Small Arms Survey (2018) estimate, there were 1,013 million firearms at the end of 2017, of which 857 million were civilian-held firearms, 22.7 million were firearms held by law enforcement and 133 million by military. The civilian or private ownership of firearms makes documenting their precise number particularly challenging, as there is still the tendency in this area of concealing or evading the legalisation of weapons. Official registration totals provide the most reliable data, although they do not capture the full spectrum of firearms in civilian hands. Roughly 100 million civilian firearms were reported as registered, accounting for some 12 per cent of the global total. The comparison of the data in Slovenia for the same period shows that according to the data provided by the Ministry of the Interior, 139,700 firearms were officially registered at the end of 2017 and more than half were possessed by hunters, namely 72,604 firearms. On average, each hunter possesses more than three firearms (Toš, 2019).

Batis (2003) points out that misuse and irregularities also occur in the case of legal use, carrying or possession of firearms by natural and legal persons. Various cases of misuse or irregularities occur primarily due to poor control, inappropriate storage and failure to observe the provisions of regulations governing the possession and carrying of weapons. In this context, he also highlights a number of firearm accidents and injuries as a result of the conduct contrary to the rules of special care. When we talk about special care in relation to the handling of weapons, this means correct and professional use, carrying, transport and storage of weapons, and the efforts made to maintain the faultless condition of the weapons.

The paper presents the most frequent threats to safety and factors endangering it in connection with the use or ownership and possession of firearms. Janc (2016) states that hunters, (sport) shooters and other firearm holders are subject to the most stringent risk assessment of all categories of individuals. Krobe (2021), however, points out that where firearms are present, firearm-related accidents can be expected. In this context, attention should not only be drawn to the perception of a threat to safety in terms of firearm handling, but also considerations made regarding the regulation and improvement of the matter at issue in order to reduce or prevent firearm-related accidents and misuse, which is, as a consequence, a step towards achieving the final objective, i.e. the protection of life, health and safety of people as well as public order.

II. (Un)safe Handling of Weapons

The use of weapons is a dangerous activity, where any, even an unintended mistake, may have very profound effects on health or even life of people (Administrative Court of the Republic of Slovenia, 2014). Moreover, the Administrative Court of the Republic of Slovenia (2015) adds that if weapons are incorrectly used or stored, even if it is a one-off event, severe or irreversible consequences may occur for firearm users or people around them. In its Chapter IV titled Handling of Weapons, the Weapons Act of the Republic of Slovenia [ZOro-1] (2000) lays down how weapons should be handled. In Article 22, the ZOro-1 (2000) provides a general rule requiring from individuals to handle weapons and ammunition with special care, which is expressed in the correct and professional use, carrying, transport and storage of weapons, and the efforts made to maintain the faultless condition of the weapons. This general rule is made specific in further provisions of Chapter IV of the ZOro-1 (2000), such as rules applying to the carrying of weapons, according to which Individuals must carry weapons in such a manner that they do not threaten their personal safety or the safety of any other person. Hunting weapons shall only be carried and used on hunting land or at shooting ranges; the weapons must be transported outside hunting land or shooting ranges. The same applies, *mutatis mutandis*, to sports weapons that shall only be carried and used at shooting ranges, whereas they shall be transported outside shooting ranges.

As regards handling of weapons, we distinguish between two instruments, which differ according to the quality, namely carrying and transporting weapons, defined in Article 8 of the ZOro-1 (2000). Carrying of weapons shall mean that individuals carry weapons on themselves and have them ready for use. According to Tomšič (2001), weapons ready for use means that weapons are in such condition that they can be readily used. As regards firearms, this means that they are loaded, whereby it is immaterial whether a round is placed directly in the barrel or not; it is sufficient that the frame, the drum or the magazine of the weapon are loaded. Individuals carrying weapons shall always have a weapons document with them allowing them to carry weapons. The transport of weapons shall be deemed to take place if the weapons are not ready for use and are enclosed in packaging, whereby the ammunition is separated from the weapons and transport is necessary for justified reasons. Tomšič (2001: 41) states that the ammunition is separated from the weapons only when the drum or the cartridge chamber is empty and the magazine is empty

in case the weapons have one. In the case of a fully loaded magazine, the ammunition is separated from the weapons only when the magazine is removed and there is no physical contact with the firearm. It should be borne in mind that ammunition is also regarded as a weapon and should, therefore, be stored in packaging.

Irrespective of the individual's motive for the possession or carrying of weapons, the moment an individual actually receives weapons marks a turning point. The greater a person's ability to influence the environment, the greater the person's responsibility. The moment individuals receive a weapon, their responsibility towards others increases greatly, since such individuals may cause much more damage to the surrounding with a weapon than before. Suddenly, the individuals become liable for all the possible consequences that their weapon may cause, and they should always make sure that the weapons do not fall into the hands of any unprofessional individual, so they must take care how and where they move with the weapons, regardless of whether they carry the weapons in accordance with the law or only transport them, and should pay more attention to their surroundings than before. Therefore, weapons documents (of any type) are not just a privilege, but also a burden and a responsibility (Tomšič, 2009).

When and under what circumstances the carrying and transport of weapons shall be prohibited is a further specification of safe handling of weapons. The High Court in Maribor (2018) explained that the legislator's intention relating to weapons undoubtedly was, *inter alia*, that weapons should be carried or transported so as not to put at risk anyone. This means that there is a risk of inappropriate use or handling of weapons not only in situations where persons are under the influence of alcohol or drugs and, consequently, in such a mental state that they are no longer trustworthy, and that it is obvious that such a dangerous situation due to the mental state in which individuals are no longer trustworthy is caused by alcohol and drugs as well as by various other factors, such as feeling upset, experiencing mental health problems, etc. The prohibition of carrying and transporting weapons means, in effect, that carrying or transport of weapons in public places in a manner that is disturbing or such that people can see them is not allowed. Moreover, individuals shall not carry or transport weapons when they are under the influence of alcohol or drugs, or when they are evidently unfit to do so due to their mental state.

Individuals shall be deemed to be trustworthy if it can be concluded, on the basis of the established facts, that they will not misuse the weapons or that they will not use or store the weapons carelessly, unprofessionally or negligently, or enable the possession of the weapon to persons who are not entitled to possess it. Therefore, individuals shall store the weapons held in their possession in a manner that prevents unauthorised access. Here, the emphasis is put exactly on the aspect of *holding weapons in their possession in a manner that prevents unauthorised access*. In this context, the Administrative Court of the Republic of Slovenia (2015) points out that the provisions of the ZORO-1 (2000) must be interpreted strictly due to the risk posed by weapons. Rowhani-Rahbar, Simonetti and Rivara (2016) state that gun ownership is an independent risk factor for firearm injury. Therefore, poorly or improperly stored or unprotected weapons present a serious risk to life, health and safety of people and public order. If unauthorised persons have access to weapons, this constitutes a severe threat not only to the community but also to the individual who manages to get

unauthorised access to the weapons. Interestingly, Gjertsen, Leenaars and Vollrath (2014) note that In Europe and other high-income countries, suicide is the most frequent cause of firearm mortality, followed by homicide and unintentional fatalities or fatalities caused by negligent handling of firearms. According to the Administrative Court of the Republic of Slovenia, leaving unsecured firearms in the sense of the storage of weapons constitutes such negligent conduct on the part of the individual and this individual can no longer be deemed trustworthy within the meaning of the ZORO-1 (2000). The conduct in question is such that an individual can no longer be deemed to meet the conditions for the possession of a firearm, whereby the competent authority may or must seize weapons from the individual posing a serious threat to life, health and safety of people as well as to public order.

III. Factors and Circumstances of Using, Carrying, Transporting and Storing Weapons as Safety Hazards

Sports shooting

Shooting is a broad concept and may appear in a competition or recreational version or type. It requires a lot of self-discipline and concentration as well as patience, particularly on the part of beginners. Sport or precision shooting means shooting, using various firearms, from a specific position at a target positioned at different distances from the shooter. Both guns and pistols are used in sports shooting. If rules for safe firearm handling are observed and shooting takes place in designated areas, i.e. at shooting ranges, shooting may be a very enjoyable activity. When shooters pull the trigger and a gun or a pistol goes off, adrenaline floods through their bodies. Therefore, shooting may bring great satisfaction to individuals, but it is essential that they remain highly concentrated, precise, self-disciplined and above all, careful. Any deviations from such conduct can have disastrous consequences (Moja občina, n. d.).

Individuals may purchase, own and possess sporting weapons if they are members of a sports organisation dealing in sports shooting and cumulatively meeting other conditions laid down by the ZORO-1. In order to ensure safe handling of sports weapons, individuals shall transport to a shooting range the weapons enclosed in packaging, whereby the ammunition is separated from the weapons, and the transport is necessary for justified reasons, e.g. shooting practice or competitions taking place at a shooting range. At shooting ranges, though, weapons are allowed to be carried. The area or site where individuals are allowed to actually use sports weapons is relatively limited, i.e. solely at a shooting range. According to the Administrative Court of the Republic of Slovenia (2018) individuals are not allowed to carry weapons ready for use on themselves outside a shooting range, in public places in a manner disturbing people. In order to ensure safety, the legislator's intention is that weapons are carried at the appropriate place for the intended purposes.

Shooting ranges are regulated by the ZORO-1 (2000) in Chapter VI, where two types of shooting ranges are defined. Civilian shooting ranges are facilities intended for sports and recreational shooting, fulfilling the technical and safety conditions for the use of weapons for protection, hunting and sports. The second type includes shooting ranges and areas of land used by individuals and shooting organisations. Under the Companies Act [ZGD-1]

(2006), civilian shooting ranges, i.e. facilities intended for sports and recreational shooting that fulfil the technical and safety conditions for the use of weapons, are commercial companies, i.e. legal entities that independently carry out a gainful activity on the market as their sole activity. Civilian shooting ranges may commence performance of their activities after they have obtained a licence from the ministry responsible for the interior. Unlike civilian shooting ranges, shooting taking place within sports shooting organisations and carried out at shooting ranges or areas of land used by these organisations is a non-profit-making activity (Circular of the Ministry of the Interior of the Republic of Slovenia, 0302-224/36-2001 in “Civilian Shooting Ranges”, 2001).

At all shooting ranges, regardless of the type, a sufficient level of safety needs to be ensured, as shooting procedures in which weapons are used are considered to be dangerous. The relevant risk reduction is prescribed in detail in the Rules on technical requirements for safeguarding arms depots, on rules pertaining to shooting ranges and on conditions for shooting (2001). Special attention should be paid to outdoor shooting ranges. They must be fenced or protected by warning tapes and provided with warning signs located at visible places to identify the perimeter of the shooting range, and a shooting range safety sign containing the rules on the maintenance of order at the shooting range to prevent high risk or danger of injury or even death of people. Since the use of weapons is dangerous, they should be handled with special care. In this respect, the Administrative Court of the Republic of Slovenia (2014) points out that it is not only passive security that is to be ensured at shooting ranges, thus meeting the essential safety requirements, but also concrete measures to be taken in order to prevent any risk of jeopardising the safety and health of people during shooting procedures at a shooting range. This is a prerequisite for the implementation of the principle of taking appropriate measures if there is mere suspicion of danger in order to remove or minimise any such risks. These measures are in accordance with the principle of protection of public interest and the principle of proportionality.

During the actual use of weapons (at a shooting range), the provision of Article 22 of the ZORO-1 (2000) should be borne in mind at all times and strictly adhered to, namely that individuals shall handle weapons and ammunition with special care. In this context, the Administrative Court of the Republic of Slovenia (2014) explains and notes that in order to ensure correct and professional use of weapons all individuals and legal entities, using or enabling the use of weapons, are required to secure the premises where weapons are used in the manner preventing any accidental damage, bodily injury or death to people in the surrounding area even in the case of omission of any of the rules relating to safe handling of weapons both inside and outside the area of the shooting range. It is necessary, therefore, to establish such conditions or measures to prevent any bullet from a weapon used at the shooting range exiting the area of the shooting range.

Game shooting and hunting

Hunting shooting ranges are those that are used by hunting organisations as part of the hunting land for boresighting and testing of hunting firearms as well as shooting skills of their members in accordance with hunting regulations. Such shooting ranges may be used for all purposes in accordance with the hunting legislation (Circular of the Ministry of the Interior of the Republic of Slovenia, 0302-224/36-2001 in “Civilian Shooting Ranges”, 2001). A distinction is made between civilian and hunting shooting ranges. Article 50 of the ZOro-1 (2000) provides that the provisions of this Act referring to civilian shooting ranges shall not apply to hunting shooting ranges which are part of the hunting land of hunting organisations and are used for boresighting and testing of hunting firearms by their members in accordance with hunting regulations. In this regard, the Administrative Court of the Republic of Slovenia (2014) notes that for hunting shooting ranges, unlike the civilian ones, hunting organisations are not obliged to establish and maintain records of shooting activities, of making weapons available for use, of ammunition supplies and of storage of weapons. Nevertheless, the Administrative Court of the Republic of Slovenia (2014) stresses that this does not mean that the provisions on specific care in handling weapons and ammunition from Article 22 of the ZOro-1 (2000) do not apply to hunting shooting ranges. Moreover, hunting organisations must also ensure that all formal conditions are met to ensure safety at hunting shooting ranges in accordance with the Rules on technical requirements for safeguarding arms depots, on rules pertaining to shooting ranges and on conditions for shooting (2001), such as, for example, warning tapes and signs.

Following the introductory paragraph, it is worth mentioning that game shooting or hunting is significantly different from sports shooting. The latter is limited solely to a relatively small area of a shooting range (civilian or owned by an association), whereas hunting, on the other hand, takes place in considerably larger outdoor areas or areas of land, i.e. fields, meadows, forests, etc. As a result, risks for accidental damage, bodily injuries or even death of people in the surrounding areas are much higher. Therefore, hunters must devote a lot more attention and care to handling weapons in order to comply with the general purpose from Article 1 of the ZOro-1 (2000), i.e. protecting the life, health and security of people and public order. If no additional safety is ensured, this is regarded as a breach of Article 22 of the ZOro-1 (2000) in hunting shooting ranges and hunting grounds, i.e. a breach of the general rule specifying that individuals shall handle weapons and ammunition with special care.

Srečko Krobe, former president of the Hunters' Association of Slovenia, pointed out several times in his public speeches that a hunting rifle ranks only fifth as regards the intensity of all hunting activities and that hunting is not only shooting but much more (Janc, 2016). However, Avbar (2014) states that hunting involves a group of armed people who should always and everywhere carry, transport and use hunting weapons with care and caution. Firearms may be dangerous in case of misuse or careless handling resulting in reckless shooting. Whenever hunters have doubts as to their correct decision, i.e. safe conditions of hunting, the decision should always be in favour of the game, and handling of weapons should be lawful, with due care and full personal liability for safety. To this end, hunting organisations as managers of hunting grounds should remind their members

constantly of the protocol on safe carrying and handling of hunting firearms, in particular because the vast majority of hunters are convinced that they know everything about weapons and that they can handle them in a perfectly safe manner, yet this is far from the truth in many cases.

Kinsky, Krüper and Strube (1990) point out that accidents caused by hunting rifles may have tragic consequences and that they not only harm the reputation of hunting but also claim human lives. The causes of accidents include irrationality, carelessness and recklessness, while many accidents occur with an *“empty, unloaded gun”*. Accidents are also often caused due to alcohol consumption. Before deciding to shoot, hunters should be sure of their target and absolutely certain to have a safe shot (Avbar, 2014).

Hunting becomes dangerous and potentially lethal for other people only when weapons are misused and incorrectly used or handled. It is vital, therefore, that in any type of hunting and use of hunting firearms hunters foresee all potential consequences likely to ensue behind or close to the target object or even further away from it. While hunting, weapons should always be carried so as not to put at risk the hunter or any other person near the hunter or further away from him (Vesel, 2020). Leskovic and Pičulin (2012) state that it is no coincidence that hunting accidents occur given that hunting is an activity where firearms are the main tools or gadgets. In this respect, it should be pointed out that firearm-related accidents do not occur only at a shooting range or in a hunting ground but also when travelling to or from a shooting range or a hunting ground, at home while cleaning a firearm or otherwise.

Hunters (as well as sporting shooters) possess a lot of weapons and ammunition and if insufficient care is taken when handling weapons, serious, tragic, though predictable consequences may ensue (an injured person, maybe even mortally wounded, a careless hunter or hunter's comrades, presence of unauthorised persons or children in the territory of the shooting range or hunting ground or such persons may even get hold of a weapon); it is, therefore, necessary to devote enough time and attention to such incidents before they can even take place.

According to Leskovic and Pičulin (2012), firearm-related accidents are divided into three groups: “unintentional discharge”, “intentional discharge” and “rifle explosion”. An unintentional discharge occurs at a time not intended by the shooter. Most frequently this happens during firearm loading, unloading or cocking, due to reckless firearm handling, weapon malfunction, during firearm cleaning, disassembling or reassembling, particularly when a hunter does not make sure that a rifle is unloaded. Moreover, an unintentional discharge also occurs when a rifle hits a hard object, when an individual accidentally drops a firearm or if firearm breaks, when a hunter intentionally pulls the trigger while being certain that the firearm is not loaded or that the firearm trigger mechanism is locked. An intentional discharge of an aimed firearm, on the other hand, is a deliberate shot that misses the intended target and hits a person or another undesired target. Most hunting accidents happen because hunters pay insufficient attention to what is near the target or behind it or they even shoot at objects without seeing them properly, meaning that they do not make sure they know what they are actually shooting at. It is totally irresponsible to shoot “at something moving through the bushes” (to put it politely). This is contrary to the principles

of special care. Such irresponsible conduct constitutes a serious threat to other hunting comrades, passers-by (walkers, tourists, children playing in the woods, forest berry pickers and last but not least, migrants). The accidents related to rifle explosions occur as a result of low-quality weapons, weapon malfunctions or poorly maintained weapons (barrels, locks, trigger mechanisms). Another cause of such accidents may also be the use of very old weapons no longer in top working order. Even though the number of such accidents is the lowest in hunting practice, it is evident from the circumstances or factors that weapons are not handled with the required special care to ensure their perfect working order. In the vast majority of cases hunters are the ones most at risk.

Vesel (2020) states that in order to reduce the risk of hunting accidents, hunters who intend to hunt should boresight on an annual basis their firearms, both long and short, that they wish to use for hunting, in accordance with the provisions of the Game Shooting Rules adopted by the Hunters' Association of Slovenia (i.e. an internal act of the Association). In this way, the ability of hunters for safe and careful use of weapons are tested every year. According to Krope (2016), hunting firearm-related accidents mainly occur during autumn group hunts. In Slovenia, the number of accidents does not exceed ten and the average number over a longer period of time is not higher than five per year. As regards the cases in question, they primarily involve a criminal offence of causing public danger.

Storage of weapons

Special care in handling weapons also involves correct and professional storage of weapons. An important aspect of appropriate storage of weapons is that the weapons are stored in a manner that prevents unauthorised access. As stated above, the provisions of the ZORO-1 (2000) have to be interpreted strictly due to the danger posed by weapons to the society. The latter also applies to the storage of weapons. The High Court in Ljubljana (2017) notes that as regards the storage of weapons the legislator specifically laid down in a substantive provision that the space where weapons are stored shall be a specially secured place, i.e. the place preventing unauthorised access to individuals, including family members, relatives, friends and others. Weapons shall be stored in a locked place and separated from the ammunition, unless the weapons and ammunition are stored in a fireproof cabinet, a safe or, as mentioned above, in a specially secured place.

The Administrative Court of the Republic of Slovenia (2015) points out that serious or irreversible consequences may ensue from improper use or storage of weapons, even in the case of a one-off event, for users of weapons or individuals near such users. This is precisely why such attention is given in the ZORO-1 (2000) to safe storage of weapons to prevent any unauthorised access. It is particularly tragic when due to negligent storage, individuals gain access to weapons that are left unsecured and use them against themselves (or even against another individual or against third persons). According to the Administrative Court of the Republic of Slovenia (2016) any individual who stores weapons unprofessionally and improperly, contrary to the provisions of the ZORO-1, shall not be deemed trustworthy pursuant to the first paragraph of Article 16 of the ZORO-1 (2000), which means that this is a *terminus technicus* rather than personality traits or psychological elements and characteristics.

Gjertsen, Leenaars and Vollrath (2014) state that public health organisations are in favour of limiting access to firearms and their safe storage to minimise the number of injuries and fatalities in case of the use of firearms causing public health concerns in numerous countries around the world. The World Health Organization, the American Medical Association and the U.S. Centers for Disease Control and Prevention support the limited access to firearms and their safe storage. Numerous studies empirically support the hypothesis that access to firearms is associated with an increased risk for firearm-related deaths, in particular homicides and suicides. Irrespective of the presence of firearms, the circumstances in which firearm owners leave their guns loaded and unsecured constitute the highest risk of accidental firearm-related injuries and fatalities.

As far as accidental firearm-related injuries are concerned, special attention should be paid in particular to children. Keeping a firearm locked and unloaded can significantly decrease risk for unintentional injury and suicide in youth (Grossman et al. in Richmond and Foman, 2019). It is crucial, therefore, that adult firearm owners should create a safe environment in cases where firearms are kept in families with children. To this end, firearms should strictly be stored unloaded, separated from ammunition and always locked. If handled and stored responsibly, firearms do not necessarily pose an immediate threat to public safety. If, however, used inappropriately, firearms can have wide-ranging social and economic costs. It is estimated that globally in the 2007–2012 period, approximately 508,000 people died as a result of violence with a firearm. Excluding victims of legal intervention by state authorities and armed conflicts, the majority have fallen victim to intentional or unintentional homicides (Hellenbach et al., 2018).

Krüsselmann, Aarten and Liem (2021) point out that European countries have strict regulations that mostly ban civilians from bearing guns, with only few exceptions. Killias and Markwalder (2012) study the correlation between the access to or keeping firearms in private households and fatal events (homicides, injuries, suicides). The authors highlight in particular the situation in Switzerland regarding the use of firearms kept at home in suicides. In Switzerland, former soldiers are allowed to keep their weapons after completing their service, but they less and less wish to do so: from nearly 90%, the rate dropped to 43% in 2004 and 23% in 2007. Rosenbaum (2012) notes that Switzerland has a large proportion of firearm suicides relative to other European countries, and the proportion increased as household gun ownership increased between 1983 and 2000. Within Switzerland, Swiss cantons with greater household firearm ownership had more firearm suicide between 1998 and 2007, and firearm suicide decreased as household firearm ownership declined. Military weapons account for about 40% of firearm suicides in Switzerland and at least a third of murder-suicides. In view of these findings, the conclusion seems to be that such firearm storage practices should definitely not be followed.

IV. Factors Minimising the Risks to Safety in Connection With the Use of Firearms

When dealing with particularly sensitive areas, such as weapons, which, by their nature are considered to be dangerous and pose an imminent threat to life, health and security of people as well as public order, it should not be disregarded that the conditions prescribed for the acquisition of weapons constitute the most important elements across all legislation on weapons. These conditions determine who is allowed to purchase and register weapons. A permit to acquire weapons issued to an individual who may misuse it at a specific point in time, may have tragic and irreversible consequences and this is why trade in weapons is restricted. The restriction on trading in weapons is evident, *inter alia*, from the fact that the competent authority may issue a permit to acquire weapons or any other weapons document only to an individual meeting all conditions prescribed by law. Two conditions in particular, not falling under the responsibility of the competent authority but other authorised institutions, are presented below, namely a weapons handling test and medical examination.

Weapons handling training and testing

According to Pučnik (2001), a modern European weapons regulation should comply with the latest safety and technological standards and therefore, the legislation on weapons should govern all the rights and obligations of individuals and other business entities that are crucial, as statutory provisions, to ensuring protection of life, health and safety of people as well as public order.

In social terms, the issues related to weapons are as such very sensitive and their regulation, in particular as regards ensuring the protection of life, health and safety of people as well as public order, is no exception. Due to diverging interests and constant technological advances, the legislation in force may soon become obsolete and should be left to the regulations also covering weapons handling training and testing.

In the past, there were some dilemmas related to the regulation of training in safe handling of weapons, particularly as regards the impossibility of identifying the need for such training and consequently, the number of organisations necessary to provide the training; whether to leave the training and testing to the same organisations or separate the testing from the training. Finally, the training content and the test had to be prescribed so as to ensure that individuals would learn how to handle weapons in a responsible and above all safe manner in general, and safe handling of weapons they own and use, in particular. The idea to separate training providers from the examination committee prevailed to ensure greater independence and professionalism of the committee *vis-à-vis* the candidates taking part in the training. The examination committee shall be nominated by the interior minister from among the employees at the ministry and the professionals proposed by the registered shooting associations and training providers (Pučnik, 2001).

The threat posed by weapons to life, health and safety of people as well as to public order has been mentioned several times in the paper, and also that individuals should handle weapons and ammunition with special care. But in order to be able to really handle

weapons properly and professionally, every individual should first be trained for independent, responsible and safe possession, carrying or transporting of firearms in accordance with regulations. Leskovic and Pičulin (2012) point out that passing a test is a precondition for being entitled to possess a firearm. Handling weapons should not give rise to any hazards or risks to life and health of people. This is why the training in safe handling of weapons and the test are designed to ensure that each individual acquires the necessary skills to be able to handle weapons correctly and professionally. It may sound banal or even pathetic, but life and health of people may actually depend on it.

Knowledge on proper handling of weapons is acquired within the training in safe handling of weapons. Leskovic and Pičulin (2012) state that training is designed to acquire knowledge on safe handling of weapons and to ensure compliance with specific standards for all owners of weapons, irrespective of the category of weapons they possess. The training programme is divided into theoretical and practical parts. The theoretical part of the training includes the following topics:

- * Legislation on weapons,
- * Relevant provisions of the Constitution of the Republic of Slovenia,
- * Relevant provisions of criminal law,
- * Regulations governing maintenance of public order and public gatherings,
- * Emergency first aid for gunshot wounds,
- * Technical properties of individual types of short and long firearms,
- * Firearm disassembly, reassembly and maintenance,
- * Rules on safe handling of weapons,
- * Use of protective products when firing a firearm.

The areas covered during practical training include:

- * Components and safe handling of weapons,
- * Disassembly and reassembly of weapons,
- * Proper firearm use (shooting and elimination of hangfires),
- * Use of protective products.

After passing the firearm handling test, the candidates receive a certificate from the training provider allowing them to obtain a weapons document in accordance with the ZORO-1 (2000).

Medical examinations of individuals to determine their medical fitness to possess or carry a weapon

The possession and carrying of weapons are responsible tasks, as well as the entitlements, that are subject to severe restrictions for security reasons (Avbar, 2012). The medical fitness that is required from individuals in order to possess or carry a weapon thus represent one of the key elements or facts on the basis of which it can be assessed or concluded that individuals are trustworthy and responsible meaning that they will not misuse the weapon or that they will not use or store the weapon carelessly, unprofessionally or negligently,

or enable the possession of the weapon to persons who are not entitled to possess it. It goes without saying that by passing a medical examination only one of the conditions or requirements is met on the basis of which an individual can obtain the right to be issued a weapons document.

Individuals who are in such a mental state that they are evidently no longer trustworthy, and if they also carry a weapon, they undoubtedly present a serious and real threat both to themselves and to persons in their immediate and far vicinity. That is precisely the purpose of the medical examination in terms of the rights and obligations of individuals concerning weapons, namely to assess whether individuals have any disease, injury or condition that affect the safe handling of weapons and constitute an inability to possess and carry weapons. The assessment of the Supreme Court of the Republic of Slovenia (2005) is therefore that the possession and carrying of weapons pose a real and serious risk to the public order and security and the safety of persons when they are in the hands of individuals who are unable to control themselves and their conduct and who cannot be expected to comply with the applicable law.

In addition to medical conditions which could have a considerable impact on the threat of personal safety or the safety of others when handling a weapon, another aspect should be mentioned, namely that individuals should not carry or transport weapons when they are under the influence of alcohol or drugs, or when they are evidently unfit to do so due to their mental state. In this regard, Avbar (2012) emphasises that the handling of weapons requires sobriety and a psychophysical condition that is free of alcohol or psychotropic substances or illicit drugs in the blood. Koncilja (2012) who also emphasises that alcohol and weapons do not go together is of the same opinion. He specifies further that in terms of the violation of the legislation on weapons, the influence of alcohol (as well as of other illicit drugs) must be understood as a complex issue, namely as a condition that causes an individual's reckless conduct or obviously unreliable handling of weapons. A drunk person or a person under the influence of drugs is not capable of sound reasoning; therefore, there is a reasonable presumption that the weapon will be misused, used carelessly or unprofessionally, stored or left to a person who is not entitled to possess it. We can establish beyond all doubt that individuals who handle weapons in such a state fail to fulfil the obligation of special care in the handling of weapons and ammunition.

But a certain dilemma arises regarding the precise meaning of "shall not carry or transport weapons when they are under the influence of alcohol or drugs". Let us only focus on alcohol as the most realistic option when an individual meets with a police officer. The Act contains no precise unit of measurement for the amount of alcohol allowed in the blood or in the exhaled air when handling a weapon. The legislator vaguely defined that individuals shall not carry or transport weapons if they are under the influence of alcohol, but failed to specify the level of alcohol that is no longer permitted. Avbar (2012) points out that the legislator did not explicitly require blood alcohol level to be 0.00; therefore, a clearer explanation is needed as to when individuals carrying or transporting weapons can be considered to be under the influence of alcohol. Koncilja (2012) highlights that such situations divide the professional and lay public and place the question of what the

legislator actually had in mind when determining that an individual shall not carry or transport a weapon when under the influence of alcohol further to the fore.

There are two ways of proving a violation of carrying or transporting a weapon under the influence of alcohol. On the one hand we have the personal perception (subjective assessment) of a police officer that a person is under the influence of alcohol based on the identification of general symptoms of alcohol consumption: appearance, behaviour, reactions and other conduct of the individual. It should be emphasised that a “pedestrian”, such as a hunter in a hunting ground or a sports shooter at the shooting range, cannot be ordered by a police officer to take an alcohol test. Such findings by police officers can therefore also be misleading and lead to wrong conclusions since external signs such as facial redness resulting from high blood pressure, unreliable walking, the appearance of a distracted person, cold, tremor, tantrum, and the like are not necessarily signs of intoxication. On the other hand, it is during controls in road transport that police officers can establish the presence of alcohol in the body of drivers using various means and devices (e.g. of an individual carrying a hunting or sports weapon) which is still within the permitted levels for driving vehicles (up to 0.5 g alcohol/kg of blood or 0.24 mg of alcohol per litre of exhaled air). This can lead to some pretty ridiculous situations in which police officers interpret the provision “under the influence of alcohol” overly literally. For example, police officers could seize a weapon from an individual who, as a driver in road traffic, took an alcohol breath test resulting in the barely detectable value of alcohol, for example, 0.10 milligrams per litre of exhaled air, even though the individual acted completely correctly and professionally, i.e. he carried the weapon with special care and his appearance, behaviour, and conduct did not in any way indicate that he was under the influence of alcohol. Koncilja (2012) stresses that the legislator definitely did not refer to such a strict interpretation of the regulation or it would require that an individual should not have any alcohol in the body under any circumstances while handling a weapon, or it should prescribe a permissible value of alcohol in the body. A healthcare institution or a doctor must, in all circumstances, pay special attention to the presence of alcohol dependence syndrome while assessing an individual’s medical fitness to possess or carry a weapon, and a negative medical certificate should be issued to the individual in such cases.

The position of the High Court in Maribor (2018) is very helpful in this regard. According to it, the provision of the ZORO-1 (2000) laying down that individuals shall not carry or transport weapons when they are under the influence of alcohol or drugs or when they are evidently unfit to do so due to their mental state cannot be interpreted as meaning that these conditions under which weapons must not be carried or transported are cumulative, i.e. alcohol or drugs on the one hand, and at the same time such mental state of the individual that he/she is evidently no longer trustworthy (only) due to alcohol or drugs. This was undoubtedly not the intention of the legislator since in most cases this offence would not be possible to prove at all, given the fact that the presence of alcohol or drugs in an individual’s body can only be proven by an appropriate test or through expert examination and in either case the individual must agree. And if the individual does not give consent, the presence of alcohol or drugs in the individual’s body cannot be proven, which is why

the legislator prescribed the sanctioning of individuals or road users in the provisions of the Road Traffic Rules Act [ZPrCP] (2010) for non-compliance with the police officer's orders. With regard to weapons, there is no doubt that the legislator's intention is, *inter alia*, that weapons are carried or transported so that nobody is threatened, which means that there is a risk of improper use or handling of weapons present not only when persons are under the influence of alcohol or drugs and are therefore in such mental state that they are clearly no longer trustworthy, but it is obvious that such dangerous situations resulting from mental state in which individuals are no longer trustworthy are caused not only by alcohol or drugs but also by a variety of other factors such as e.g. agitation, mental problems, etc. Given the intention of the legislator, it is obvious that weapons must not be carried or transported by individuals who for any reason are in such a mental state that they are obviously no longer trustworthy, and such an interpretation of the third paragraph of Article 24 of ZOro-1 is not opposed by either language or any other interpretation of this statutory provision.

V. Conclusion

By way of the provisions of the Weapons Act (ZOro-1) (2000), the Slovenian legislator prescribed mandatory storage of weapons for individuals holding weapons in their possession, and also provided a general definition of the general rules for handling and carrying weapons by prescribing that individuals shall handle weapons and ammunition with special care (first paragraph of Article 22 of the ZOro-1, 2000). Moreover, it also stipulated that special care in handling weapons shall be deemed to be the correct and professional use, carrying, transport and storage of weapons, and the efforts made to maintain the faultless condition of the weapons (second paragraph of Article 22 of the ZOro-1, 2000). Regarding the carrying of weapons, the legislator was more specific in the ZOro-1, stating that individuals shall carry weapons in such a manner that they do not threaten their personal safety or the safety of any other person, whereby hunting weapons shall only be carried and used on hunting land or at shooting ranges; the weapons must be transported outside hunting land or shooting ranges. Sports weapons shall only be carried and used at shooting ranges, whereas they shall be transported outside shooting ranges. Furthermore, the legislator specified that individuals shall be deemed to be trustworthy if, on the basis of the established facts, it can be concluded that they will not misuse the weapon or that they will not use or store the weapon carelessly, unprofessionally or negligently, or enable the possession of the weapon to persons who are not entitled to possess it; however, it presupposes in advance that individuals are in no way trustworthy in any of the cases listed above. In other words, the above, therefore, means that a person is not trustworthy in terms of possessing, carrying or storing weapons when even only one of the above cases occurs. Krüsselmann et al. (2021) highlight in particular that although many types of weapons can cause death or bodily harm, firearms are of specific interest and require specific treatment when studying violence, due to their high lethality, widespread use on a global scale and the value of such firearms for criminal groups and individuals. How firearms are linked specifically to violence and violent death has been studied extensively, but existing studies heavily focus on the United States' context, where more than 12 people per 100,000 popu-

lation die of gunshot wounds each year. Most research to date focuses on the firearm availability hypothesis, which assumes that an increase in firearm availability leads to an increase in violent crime.

No thorough research has been conducted in Europe on the link between firearm availability or accessibility and firearm-enabled interpersonal violence. The European Commission (2013) states that there are still far too many victims of gun-related violence in the European Union. In the first decade of the 21st century, there were over 10,000 victims of murder or manslaughter, killed by firearms, in the 28 Member States of the EU, and every year there are over 4,000 suicides by firearm. On average, there are 0.24 homicides and 0.9 suicides by firearm per 100,000 population per year in the EU. The presence of powerful and often illegally-held firearms in particular in deprived urban areas can create a sense of insecurity among citizens. Shooting sprees are not only characteristic for the United States, it is a phenomenon that is unfortunately also known in Europe. The gunmen responsible for horrendous shootings in recent years, in the schools in Tuusula (2007) and Kauhajoki (2008), and in Cumbria (2010) and Alphen aan den Rijn (2011), were mentally unstable adults and yet were licensed to possess a firearm. In Winnenden (2009), an adolescent used a pistol which had been insecurely stored in his parents' bedroom. In the attacks in Liège in 2011, the gunman drew from a huge personal arsenal including military weapons and collectors' items which he had purchased and converted. These specific incidents alone claimed the lives of 61 people, including 19 children.

Helmke (2013) warns, however, that greater availability or proliferation of weapons, be it in a household, city, region or country, generally means more and not less violence in these places. In terms of personal safety, academic research proves that weapons kept by individuals at home are 21 times more likely to be used against the owner or family members than against potential intruders or robbers and burglars.

Despite a shared understanding across the European Union that access to firearms by the general public should be restricted or strictly regulated, detailed legislation regarding the ownership, use and trade of firearms still differs significantly between EU Member States. The question therefore arises as to what extent such variations affect the protection of human life, health and safety and public order, as well as the effectiveness of national gun-enabled crime prevention policy (Hellenbach et al., 2018). The measures of adequate weapons storage are still deficient or insufficient in the European Union. Therefore, systematic special care regarding the handling of weapons and ammunition is still not guaranteed. The European Commission (2013) estimates there are 80 million legally-held civilian firearms in the EU. While there are no precise statistics, the many firearms in illegal circulation are often the result of theft or diversion from their lawful lifecycle, of being illegally imported from third countries and of the conversion of other objects into firearms. Almost half a million firearms lost or stolen in the EU remain unaccounted for, the overwhelming majority of which are civilian firearms, according to the Schengen Information System. In one Member State, France, the authorities reported a 40% increase in seizures of stolen civilian and military weapons between 2010 and 2011.

Through its Global Firearms Programme (GFP), the United Nations assists member states in preventing and combating the illicit manufacturing of and trafficking in firearms, their

parts and components, and ammunition. The GFP further supports States' efforts to prevent the illicit supply and diversion of firearms into the hands of criminal groups, to effectively investigate and prosecute firearms-related crimes. To this end, the GFP recommends an integrated approach towards arms control based on five interconnected pillars, namely:

1. Data collection,
2. Development of effective weapons legislation and policy,
3. Preventive and security measures,
4. Effective and decisive functioning of the criminal justice system,
5. International cooperation and information exchange (Unodc, n. d.).

The GFP's efforts to dismantle arms trafficking are based on the member states' global approach and the effective implementation of the United Nations Convention against Transnational Organized Crime [UNTOC] (2004) and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition [Firearms Protocol] (2004).

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