

Removing the Trigger Campaign

ALL OF US HAVE A ROLE TO PLAY...
STOP GUNS IN DOMESTIC VIOLENCE!

South African women face a high risk of violence. While many people associate this danger with strangers, national studies show that women are far more likely to be murdered by current or former husbands or boyfriends - a tragedy known as intimate femicide.

35%
of intimate
femicide cases in
2020/21 involved
firearms.

But a gun in the home puts everyone at risk. Women and girls are most often threatened, and [our research](#) shows that 1 in 3 cases, it's by a son or brother. Guns are easy to use and deadly - anger or conflict can turn them against the very people they were meant to protect, causing serious injury or death to one or more people.

TAKE URGENT ACTION

IF SOMEONE WHO IS ABUSIVE, DEPRESSED OR SUICIDAL OWNS OR HAS ACCESS TO A GUN AND YOU FEAR FOR YOUR SAFETY, YOU CAN ASK THE POLICE OR COURT TO REMOVE IT IMMEDIATELY.

REMOVING A GUN

The Domestic Violence Act & the Firearms Control Act allow the courts or the police to remove guns and other dangerous weapons in situations of abuse.

the Domestic Violence Act (DVA)

The DVA enables victims of domestic violence, known as “complainants”, to apply for protection orders against abusers, referred to as “respondents” through their local magistrate’s court. Courts can grant interim and final protection orders. A protection order is a court order that requires the respondent to stop the abusive behaviour. Ignoring a protection order, or contravening it, is a criminal offence and the police must intervene if the abuse continues.

- You or a family member or friend can apply for a protection order at the local magistrate’s court.
- Ask to speak to the domestic violence court clerk for help in understanding and completing the application.

HOW CAN I APPLY FOR A PROTECTION ORDER?



[download Form 6 application for protection order here](#)

It is important that the form is written in your own words, including a full account of events and the specific orders you are requesting from the court. It is best to complete the form yourself. If this isn’t possible, the court clerk can assist, but you should review what they have written to ensure it is accurate. Always ask questions if you do not understand any of the words or questions.

CLICK HERE FOR MORE INFO ON THE DVA & HOW TO APPLY FOR A PROTECTION ORDER!



Follow us for more information on the [Removing the Trigger Campaign](#)

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WHEN A GUN IS INVOLVED
WHEN A GUN IS PRESENT IN AN ABUSIVE RELATIONSHIP OR HOUSEHOLD YOU CAN APPLY FOR IT TO BE REMOVED, EVEN IF THE GUN IS ILLEGAL.



There are two questions in form 6 of the DVA application order that ask about guns, specifically:

- **Are there firearms or other weapons in the house?**
- **Does the respondent carry/have access to a firearm for work purposes/activities?**

If the court knows there is a gun or other dangerous weapon present, it can then order the police to remove the gun or weapon from the respondent, whether the respondent owns the gun or has access to it. This applies even if the respondent needs a gun for their job for e.g. if they work as a police officer, security guard or soldier. The court can make this order as part of an interim or a final protection order.

the DVA says a magistrate can do this if:



Clause 9(a)

The respondent has threatened or expressed the intention to kill or injure himself or herself, or any other person in the domestic relationship, whether or not this would be with the gun or other dangerous weapon.

Clause 9(b)

Possession of the firearm or other dangerous weapon is not in the interests of the victim or any other person in the domestic relationship because of the respondent's –

- i.state of mind or mental condition
- ii.inclination to violence
- iii.use of or dependence on intoxicating liquor or drugs

Any person who lives in fear of a gun or other dangerous weapon in their home or relationship can ask the magistrate's court to remove the gun or weapon immediately.

TIPS FOR COMPLETING FORM 6 PROTECTION ORDER APPLICATIONS

Magistrates need full details to order gun or weapon removal. Complete the form carefully, paying close attention to these questions:

Question 4: Information regarding acts of domestic violence

Give a full, detailed history of the abuse and how it has changed over time. Describe any incidents where the gun and/or other dangerous weapon was used to threaten or intimidate.

Question 5: Information regarding urgency of application

Explain that the victim's life and safety are at risk and that the respondent has a firearm and/or other dangerous weapon.

Question 7b: Makes provision for the court to order the South African Police Service to seize weapon(s) in the possession of the respondent

Make sure any firearm/s and dangerous weapon/s that the respondent has access to are listed here so the court can order that they be removed by the police



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REMOVING A GUN CONTINUED...

Like the DVA, the Firearms Control Act allows guns to be removed in situations of abuse. Police can remove any illegal gun and charge the owner for lacking a licence. They **must** also remove a gun from a legal owner declared “unfit to possess a firearm,” which can happen in two ways:

the Firearms Control Act (FCA)

Section 102: Declaration by the Registrar (Police)

The police Registrar can declare someone unfit to possess a firearm if they have a final protection order. They can do this if:

- They have threatened to kill or injure themselves or someone else with a gun or dangerous weapon
- Their mental condition, violent behaviour or substance dependence makes gun ownership dangerous
- They have failed to store their gun safely
- They provided false information when applying for a gun licence

To start a Section 102 unfitness process, the threatened person - or a family member, friend, or neighbour - must submit a written complaint at the police station explaining why the gun owner is a risk.



1. Once the police receive a complaint, they should immediately remove the gun and store it at the station.
2. The police investigate the complaint and call the gun owner to a hearing.
3. The hearing takes place at the station, presided over by a senior officer, who can call witnesses. The gun owner may have a lawyer present.
4. If the officer finds the complaint is true, they can declare the gun owner “unfit to possess a firearm.”

If the police registrar declares a gun owner “unfit to possess a firearm,” they must hand in their gun(s), ammunition, and licence(s) within 24 hours - and cannot apply for a gun licence for 5 years.

the Firearms Control Act (FCA)

Section 103: Declaration by a court

Section 103 allows the courts to exclude high-risk individuals from gun ownership when dealing with criminal cases. In addition to being found guilty of certain crimes, offenders are declared unfit to possess a firearm if convicted of:

- Unlawful possession of a gun or ammunition
- Any crime involving illegal use of a gun
- Domestic violence offences
- Violence, sexual abuse or dishonesty (if sentenced to imprisonment)
- Drug dealing or drug/alcohol abuse offences
- Rape, kidnapping, terrorism, public violence or arson
- Failing to store guns safely or losing a gun through negligence

When a person is declared unfit by the court, the court will order the police to immediately seize all his firearms, ammunition and licences.



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All over the world, guns are a dangerous risk factor when there is domestic violence.

WE URGE YOU, FAMILY MEMBERS AND FRIENDS TO TAKE THIS THREAT VERY SERIOUSLY



IF YOU - OR SOMEONE YOU KNOW - IS PART OF A FAMILY WHERE THERE IS A RISK OF VIOLENCE, IT IS CRITICAL THAT YOU TAKE IMMEDIATE ACTION AND MAKE SURE THE GUN OR OTHER DANGEROUS WEAPON IS REMOVED

STAYING SAFE

Applying to remove an abuser's gun can increase the risk of violence, so it's important to seek help and create a safety plan. If your well-being is at risk, contact the National Shelter Movement of South Africa's 24-hour toll-free helpline for advice, support, and access to shelters for victims and children nationwide.

CONTACT THE NSMSA HELPLINE:



0800 001 005



SMS,
WhatsApp or
Please Call me:

082 057 8600

082 058 2215

072 230 7147



INFOHELPLINE@NATIONALSM.ORG.ZA

HOW ELSE CAN I PROTECT MYSELF OR SOMEONE I KNOW WHO IS EXPERIENCING ABUSE?

The National Shelter Movement also offers tips for creating a practical, personalized Safety Plan - whether you are staying in, planning to leave, or have left an abusive relationship. These tips help you identify actions that work for your unique situation.



[click here to download a safety plan](#)

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Follow our partners for support and resources.
To learn more about the *Removing the Trigger* Campaign visit
<https://za.boell.org/en/removing-trigger-campaign>