

LEGAL FIREARMS



BRAZILIAN PUBLIC SAFETY ANALYSIS - DETAILED REPORT ON FIREARMS REGULARIZATION STATISTICS



Associação Brasileira
de Importadores
de Armas e Materiais Bélicos (Brazilian Association of Importers of Firearms and War Materials)

WHERE IT ALL BEGAN

In 1997, through Act 9437, Sinarm established the conditions for registering and possessing a firearm, which was revoked by Act 10,826 of December 22, 2003.

Act 10,826/2003 provides for the registration, possession, sale of firearms and ammunition, on the National Weapons System – Sinarm.

In this way, Art. 6 of said Act has the following wording:

Art.6 – it is incumbent upon the Army Command to authorize and supervise the production, export, import, customs clearance, trade in firearms and other controlled products, including the registration and carrying of firearms for collectors, shooters, and hunters.

Thus, Decree No. 10,630/21 amended the wording described in Decree No. 9,847/17, establishing the following: For permitted firearms, duly registered in the owner's collection at Sinarm or Sigma.




DECISIONS



Minister Fachin also granted an injunction to give an interpretation in accordance with the Constitution to the Disarmament Statute, Article 4, to Decree No. 9.785/2019, Article 4, item I, and Decree No. 9.845/2019, Article 3, item I, establishing an interpretive orientation that the possession of firearms can only be authorized to people who concretely demonstrate, for professional or personal reasons, that they have a genuine need.

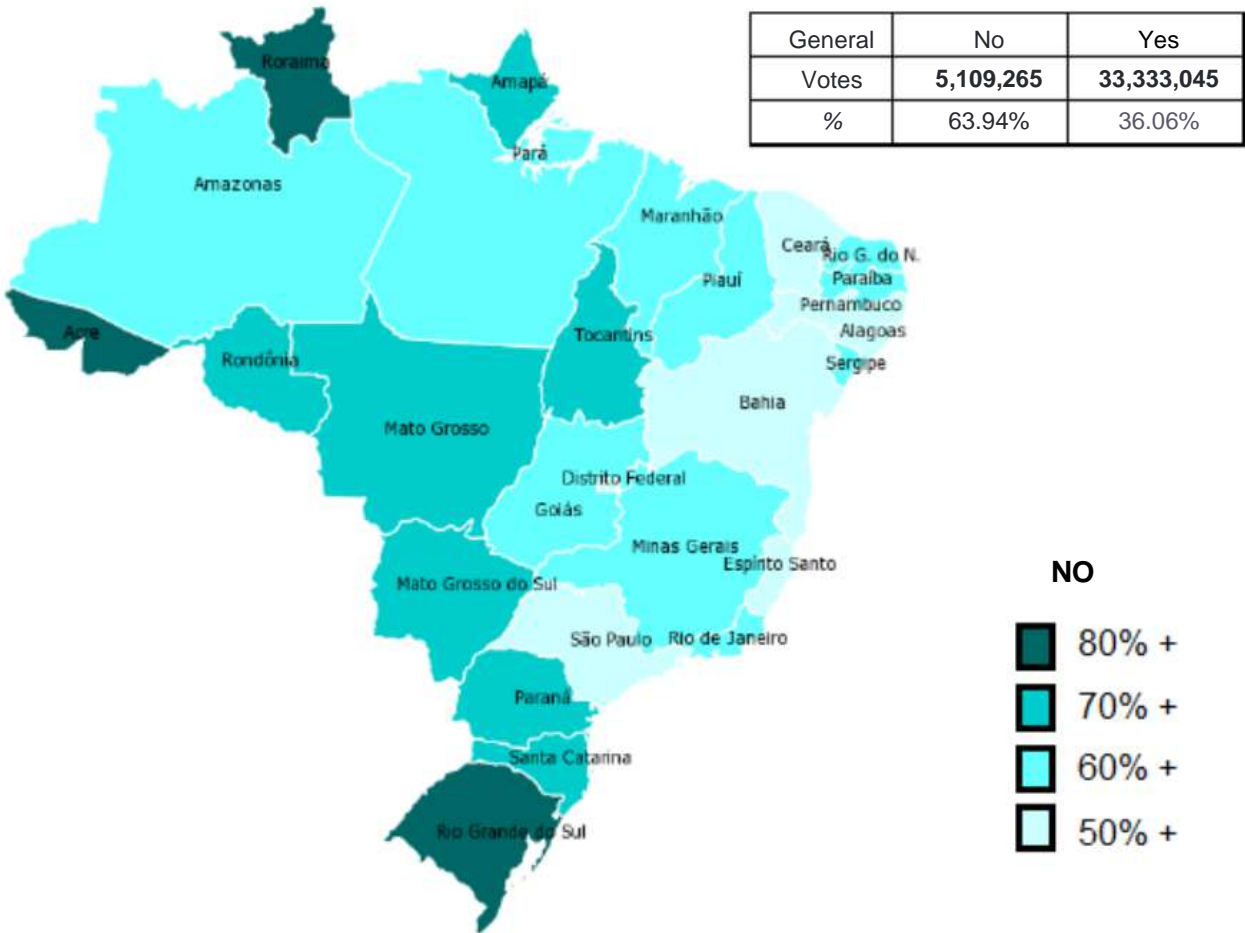
They were granted on the basis that the limitation on the quantity of purchased ammunition is linked to what, in a diligent and proportional way, ensures the citizens' safety. They further established that the purchase of restricted-use firearms can only be authorized in the interests of public safety or national defense, not by reason of the applicant's personal interest.



The provisional remedy in ADI 6,139 ended up suspending authorizations for the purchase of restricted-use weapons that are not intended for the interest of Public Safety or State Defense and imposed restrictions on the purchase of arms and ammunition.

WHAT IS THE REAL RESULT ON THE ISSUE OF DISARMAMENT?

According to the Referendum on the sale of firearms in Brazil, which took place on October 23, 2005, on the validation of Act 10,826/2003, Article 35, “the sale of firearms and ammunition throughout the national territory is prohibited, except for the entities provided for in Article 6”, where the question asked to the population was "Should the sale of firearms and ammunition be prohibited in Brazil?" 63.94% answered "no", against 36.06% "yes". This time, Article 35 was not approved. It should be noted that in all 27 states, “no” obtained the majority of votes. Therefore, the will of the people is sovereign and must be respected.



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CAC AND SPORTS

In 2019, Onyx Dornelles Lorenzoni, Chief of Staff, introduced Bill 3,723, also known as the CAC Statute, with the aim of amending some articles of Act No. 10,826/2003.

The Bill amends the Disarmament Statute, Penal Code, Banking Security Act, and National Security Act, better organizes the National Weapons System (Sinarm), establishes definitions, modifies rules for the registration, possession, and carrying of firearms, adds additional penalties, and modifies the description of crimes.

It also regulates the exercise of collector, sport shooter, and hunter activities (CAC).

The CACs don't ask for much! Just that their sports and practices are respected, that they don't face a lot of bureaucracy and difficulties in carrying out their activities.

COMPETITIONS IN BRAZIL

Nowadays, an average of 20,000 competitions are held annually in Brazil, generating direct and indirect jobs, in addition to boosting tourism.

The practice of sport shooting carried out by minors under/over eighteen years of age and under twenty-five years of age is governed by the provisions of Decree 9,846/19, Article 7, or whatever decree replaces and adds to it.



NEW SYSTEMS



SICOFA

Factory Control System – All firearms legally sold in the country and abroad are controlled by the Brazilian Army through the Factory Control System (SICOFA).



SICOVEM

Establishes the Ammunition Sale and Inventory Control System (**SICOVEM**), **which classifies and defines the quantity of ammunition and respective parts, subject to sale.** THE STATE DEFENSE MINISTER in the use of the attributions conferred by Act No. 10,826 of December 22, 2003, Article 24, combined with § 2 of said article.



SISCAPEC

Siscapec®, with a system registered at the National Institute of Industrial Property (INPI), since 12/May/2017 under number 913839442, was developed to control the purchase of ammunition and supplies from duly identified users (registered companies, shooting entities and schools, and CACs).

NEW SYSTEMS



SIGMA

Military Weapons Management System, under the authority of the Brazilian Army aimed at controlling the firearms, accessories, and ammunition of collectors, sport shooters, and hunters.



SINARM

The National Weapons System (Sinarm), established in the Ministry of Justice within the scope of the Federal Police, with circumscription throughout the national territory, is responsible for controlling firearms held by the general population, as provided for in Act 10,826/03.



SisGCorp

The Corporate Management System (SisGCorp) is a governance solution adopted by the Brazilian Army through the Controlled Products Inspection Board, which includes the computerization of CORE, MANAGEMENT, and SUPPORT processes used by users of the Controlled Products Inspection System.

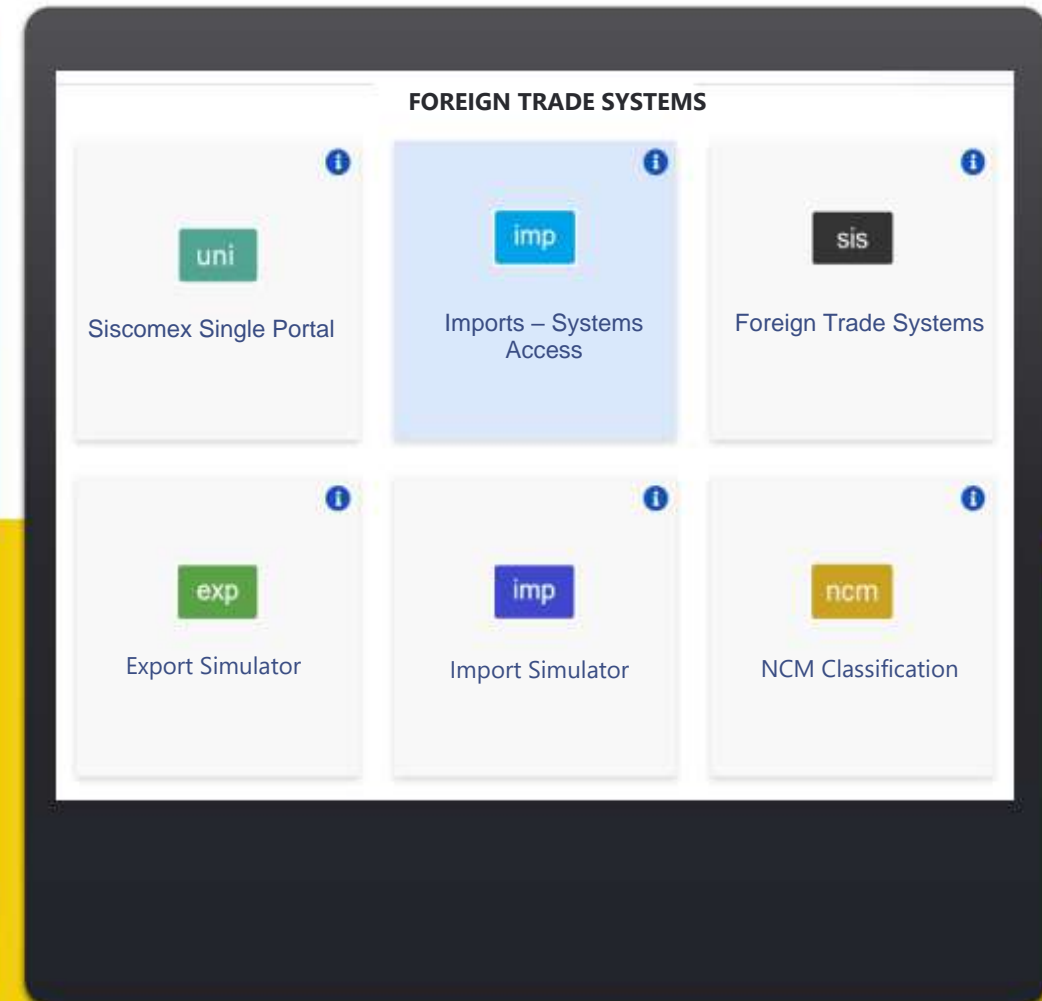




SICOMEX

Integrated Foreign Trade System – it is through this system that authorization is granted for exporters, importers, and other individuals to carry out this type of operation. In this way, the portal keeps track of operations, controlling and centralizing all foreign trade information. But it was only in 2014 that the federal government created the Single Foreign Trade Portal Program, designed to meet Siscomex's different needs of in one single place. From that moment on, all the systems of the bodies involved in the country's export and import processes were unified.

Thus, SICOMEX makes the whole process easier, more agile, and enhances the transparency of activities in the sector.



ECONOMIC AND SOCIAL ASPECTS – CRITICAL VIEW AND RELEVANCE

In October 2005, Brazil held a referendum to consult the population on the prohibition of the sale of firearms and ammunition, one of the sections addressed in the statute. The question was: Should the sale of firearms and ammunition be prohibited in Brazil? The answer options were "no" (against the ban) and "yes" (in favor of the ban). The "no" voter typed number 1 and the "yes" voter typed number 2.

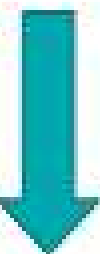
As a result, the majority of voters (63.68%) came out against Article 35 of the Disarmament Statute, which prohibited the sale of firearms and ammunition throughout the country, except for the Armed Forces, police, and private security companies.

Even with the people voting against prohibiting the sale, the statute remained with even greater restrictions on the purchase of firearms.

The fact remains that the defenders of the disarmament policy start with the assumption that, by controlling access to firearms, the State would be expanding its ability to identify criminals and reduce the chances of homicides, since they have supposedly reduced the number of firearms.

However, with all due respect, such a narrow view is a mistake, since by violating people's freedom, taking away the possibility of possessing a firearm, the State will be depriving good citizens of the benefits of using them defensively and leaving the safety of the population at the mercy of the police protection, which it should be noted is almost never effective.

Contrary to this position, there are studies on the subject that point to the opposite conclusion, that crime is rising while law-abiding citizens still do not have access to firearms that easily reach the hands of those with malicious intent.



The Disarmament Statute went into effect in December 2003. In its first years of application, the murder rate was curbed, but recently has been on the rise again.

The homicide rate with firearms in 2012 was the highest ever recorded by the Map of da Violence.

According to the United Nations (UN), in 2012, 10% of homicides in the world took place here and in 2019 Brazil had the second highest homicide rate in South America, says a UN report.

According to the map of violence⁸, published by the Latin American School of Social Sciences (Flacso), headquartered in Brasília and considered the most reliable source of information on homicides in Brazil, there is no serious study in the world that does not prove the relationship between gun ownership and the number of murders in a country.

Therefore, as shown by scientific studies, violence continued to grow even after the disarmament statue had been passed into law.

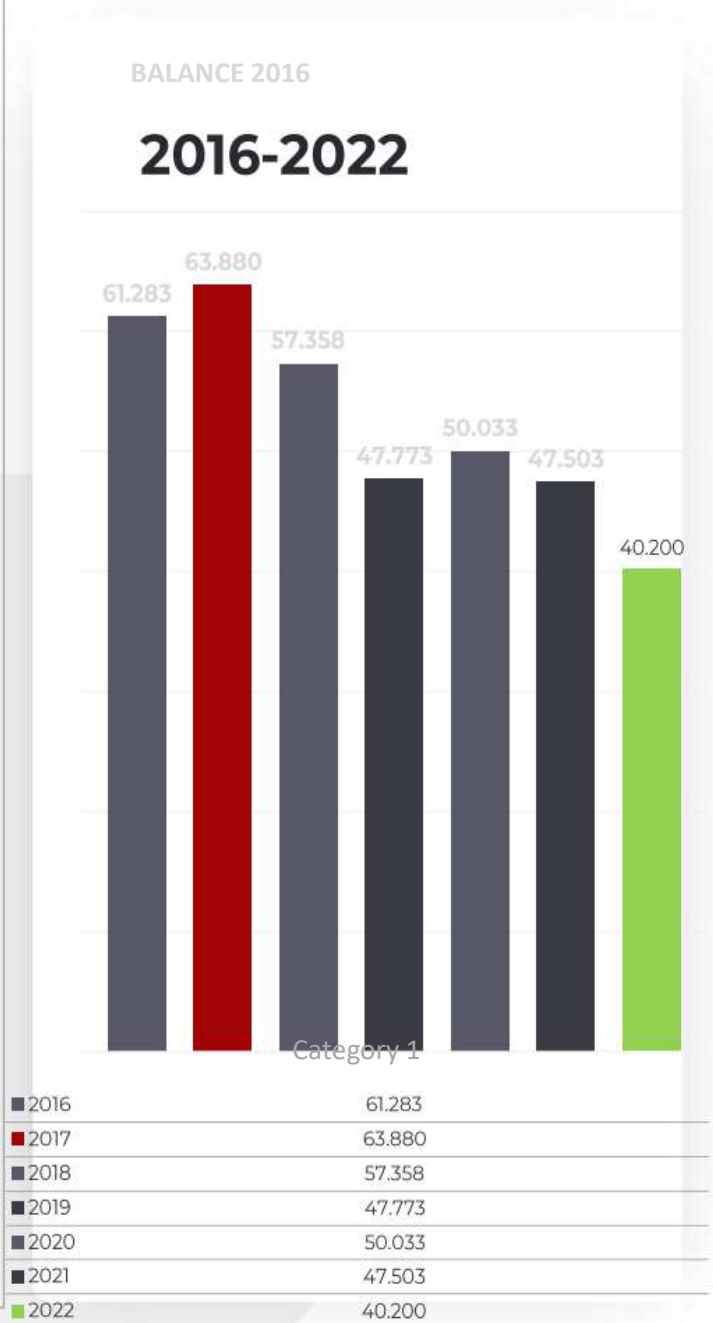
On the other hand, data from the 16th yearbook of the Brazilian Public Safety Forum show that the country registered what amounts to 130 deaths per day over the past year.

Brazil recorded 47,503 homicides over the past year, according to data released by the Brazilian Public Safety Forum.

This number represents a drop in comparison with 2020 and is the lowest recorded since 2011, when the historical series began.

As can be seen, disarmament itself was not and is not a guide to reducing violence in the country, quite the contrary! In practice, the Disarmament Statute only made the citizens' access to weapons much more difficult and, at the same time, encouraged those who already had them to turn them over, with nothing reflecting on the reduction of crime or helping to identify criminals.

In this scenario, there is a need to rethink the Disarmament Statute, notably in relation to streamling the bureacratic process in accessing and purchasing firearms, which implies the need to repeal the Act in force based on the enactment of legislation capable of promoting law-abiding citizens with effective means of defending and protecting themselves and their families.



DROP IN PREMEDITATED MURDER

63,880 Homicides

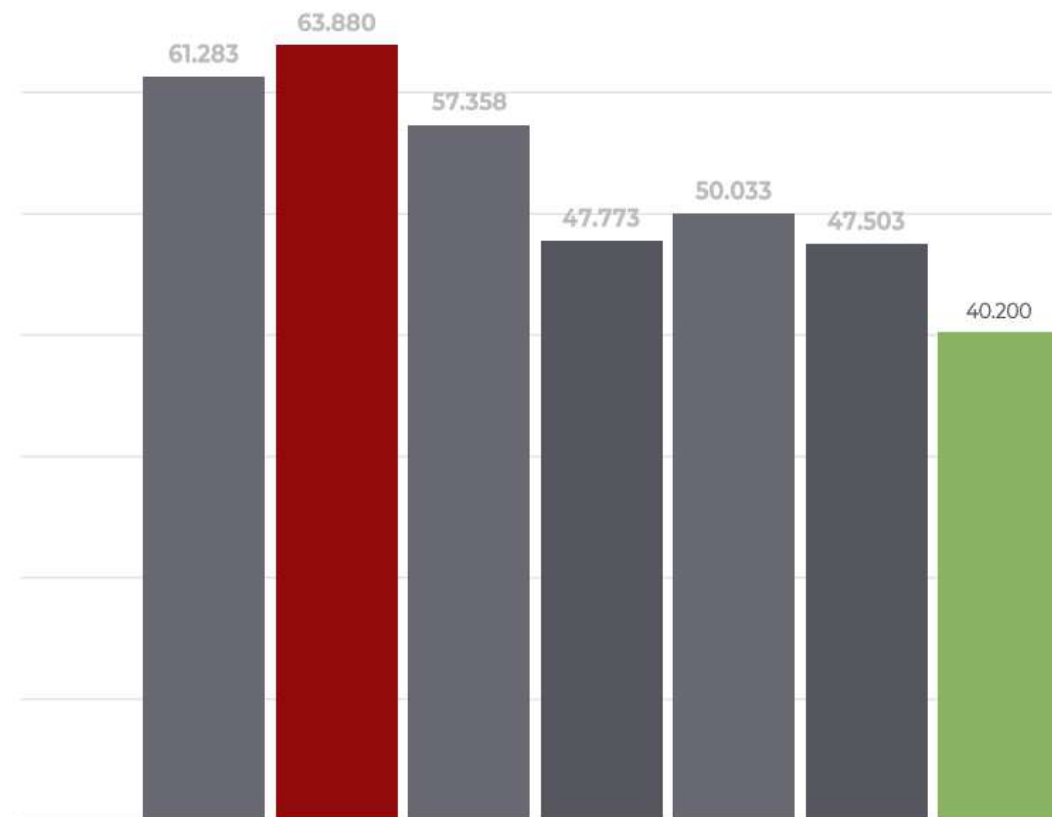
In 2017, Brazil faced an increase of 63,880 cases of premeditated murder with 2,000 more deaths than in 2016.

-37.07% - 2022

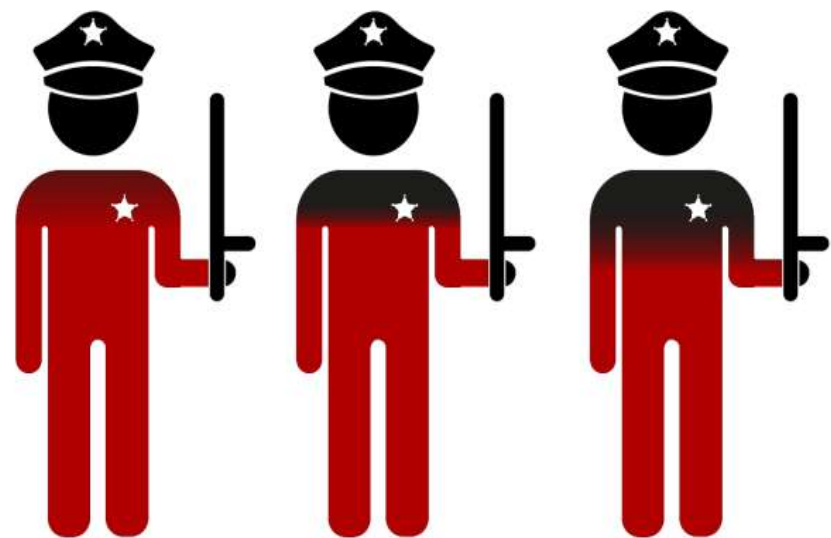
Homicide rates in 2022 compared to 2017 dropped by 37.07% with a continued downward impact from 2019 to 2021.

BALANCE 2016

2016-2022



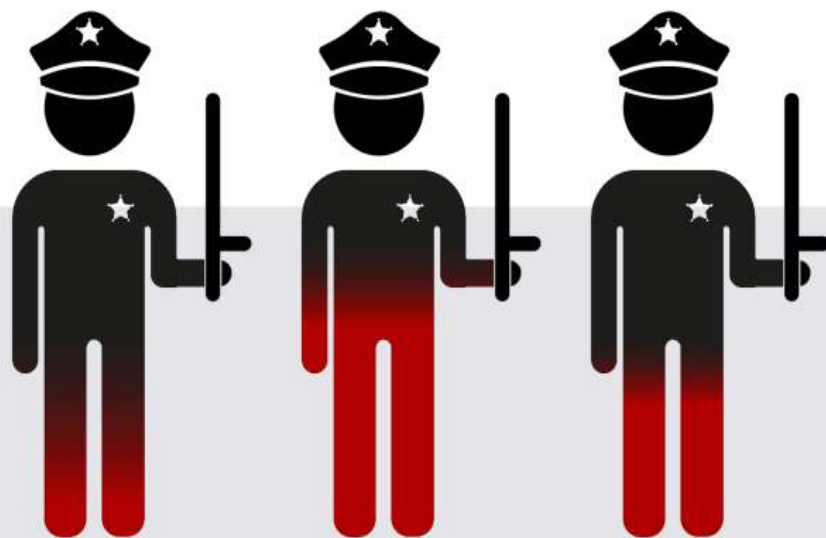
Category 1	
■ 2016	61.283
■ 2017	63.880
■ 2018	57.358
■ 2019	47.773
■ 2020	50.033
■ 2021	47.503
■ 2022	40.200



2016
453 Homicides

2017
367 Homicides

2018
343 Homicides



2019
172 Homicides

2020
194 Homicides

2021
190 Homicides

REDUCTION IN POLICE HOMICIDES

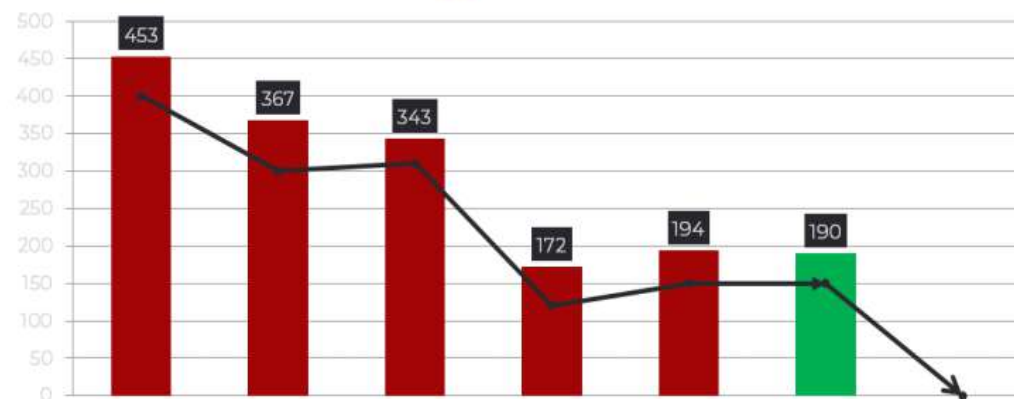


PERCENTAGE OF DECREASE IN
POLICE HOMICIDE RATE 2017 TO 2021

41.94%

PRODUCTS SALE

Ser 1 → Ser 2



MEET THE SHOOTING ENTITIES

- **BRAZILIAN CONFEDERATION OF PRACTICAL SHOOTING (CBTP)** – This is a non-profit amateur sports association as considered by current legislation, established for an indefinite period, founded on April 25, 1992 in the city of São Paulo, and ratified by the Sports Ministry under No. 230005.000279/8918, being the largest entity representing and organizing Practical Shooting in the country.
- **BRAZILIAN CONFEDERATION OF SPORT SHOOTING (CBTE)** – It was founded through Legislative Decree No. 1503 of September 5, 1906 in the city of Rio Grande, Rio Grande do Sul, under the auspices of the Brazilian Army and has completed 116 years of service.
- **BRAZILIAN CONFEDERATION OF HUNTING AND SHOOTING (CBCT)** – Designated as such since 1941, it is the successor of the Brazilian Shooting Federation founded on July 10, 1935, with 86 years of distinguished history and tradition in Brazilian sport shooting and hunting.
- Everyone has the right to an ecologically balanced environment, an intrinsically valuable asset for common use and essential to a healthy quality of life, imposing on the public authorities and the community the duty to defend and preserve it for present and future generations.
- **NATIONAL SKEET SHOOTING LEAGUE** – It began to be organized in May 2011 and emerged through the initiative of seven Brazilian skeet shooting clubs, which are part of the Board of Directors. The League has a national competition that makes access to skeet shooting competitions available to all Sport Shooters from all states of the federation, consolidating the results in a system of "online competitions". One of the main objectives of the **National League** is to encourage the emergence and development of new Olympic talents in **Brazilian skeet shooting**.
- **ONLINE RECREATIONAL SHOOTING** – It was created for the purpose of offering a recreational activity and provide constant training of the Shooter in the range in order to ensure that he or she takes home a good prize. More than a competition or winners podium, Recreational Shooting is a way of life.



GAÚCHA FEDERATION OF HUNTING AND SHOOTING (FCCT) – Its institutional mission is to represent all sports shooters in the state of Rio Grande do Sul, as well as duly legalized hunters and animal controllers, defending their rights and interests and promoting economic, environmental, and social development, as well as the five best sports practices.

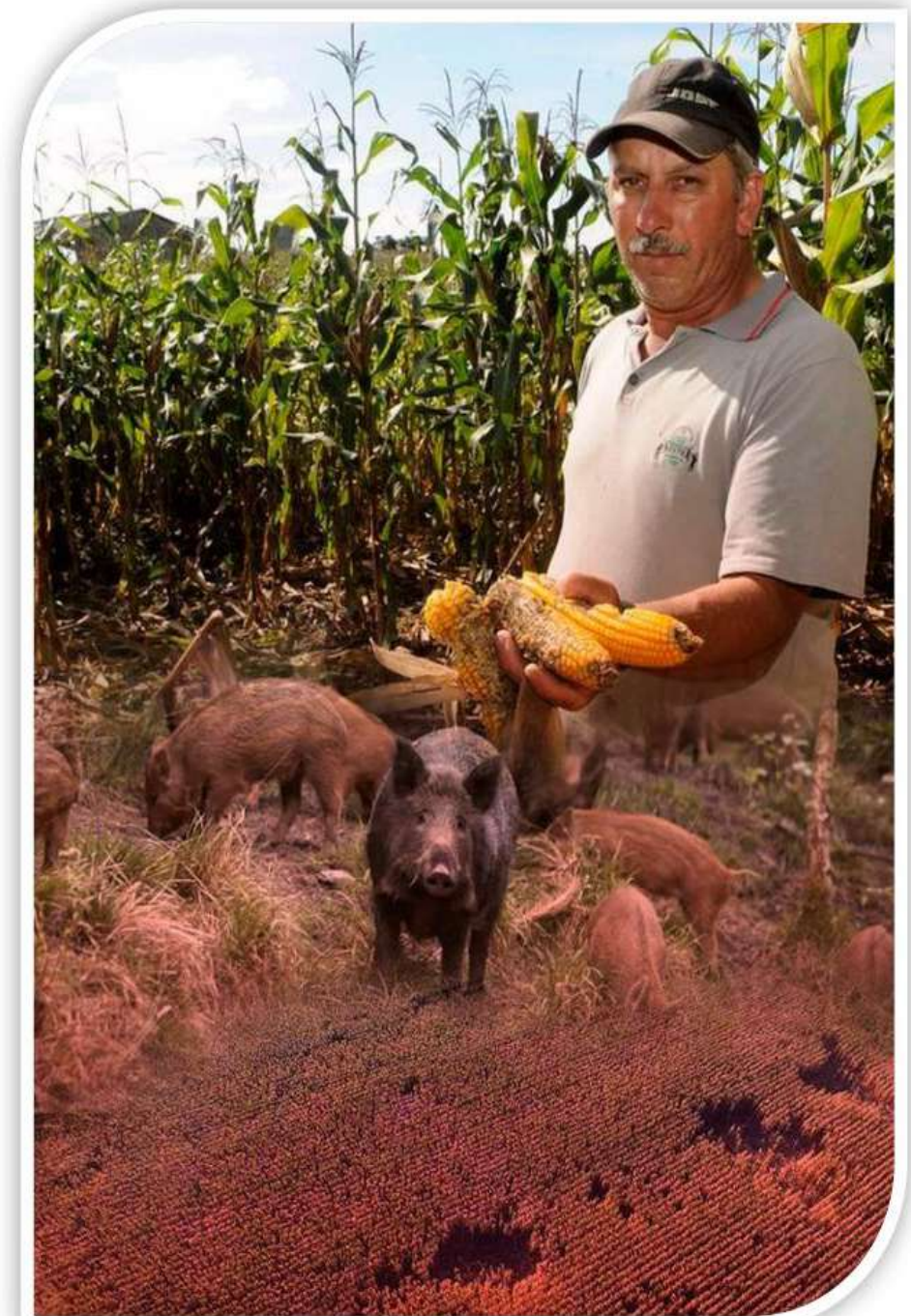
Initially, it should be noted that, according to Act No. 5197/1967, Article 1, wild animals are property of the Union and their management, under the terms of paragraph 1, requires the issuance of a “regulatory act by the Federal Government”.

In the rural setting, the proximity to wild animals and the possible risk of this proximity, with accidents and attacks by these animals, both to humans and to their properties and herds, causes hunting to be seen as a practice without an entertainment and sport value but instead as a relationship against the environment.

This obligation is further reinforced by the specific objective of the National Biodiversity Policy sanctioned by Decree No. 4,339/2002, which states that it is up to Brazil to promote “the eradication of the control of invasive alien species that may affect biodiversity.”

They are good people, people of unblemished conduct and, for the most part, well positioned socially, engaged as entrepreneurs in industry, commerce, and services, liberal professionals, rural producers, members of the public safety forces, among other activities that generate wealth for the community.

We can't forget that according to Brazilian legislation, the procedures for good citizens to become sport shooters are not easy: they involve technical aptitude, psychological aptitude, certificates of moral and ethical suitability and a clean record, in addition to the difficulties and high costs of purchasing the firearms and ammunition needed to practice the sport.



A MARKET OF OPPORTUNITIES

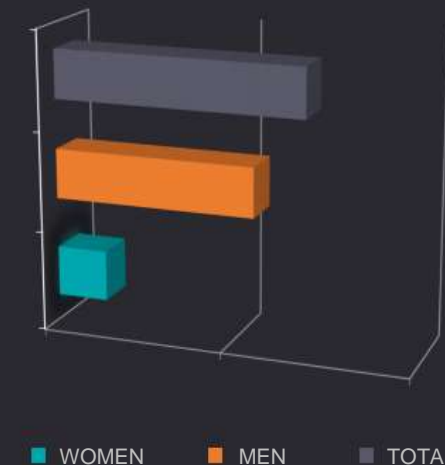


- The Electronic System of the Citizen Information Service (eSIC) shows that of the total of 4,937,861 business units classified in the CNAE, considering all sections, 17 units are in Group 25.5, which is equivalent to 0.000344% of the total, proving it to be a market with solid entry barriers for new companies.
- The set of all companies registered with the CNAE indicated in 2018 a contingent of 52,217,587 employed persons, with the 17 armament producing units responsible for a total of 6,514 people, of which 6,490 were in the “salaried employed people” key”. Among salaried workers, 4,835 were male and 1,655 were female, 879 had completed college or university, and 5,611 had not.
- Also in 2018, CEMPRE points out that these companies transferred the amount of **R\$ 278,361,000.00** as salaries and other remuneration, of which **R\$ 222,771,000.00** went to male workers and **R\$ 55,589,000.00** went to female workers.

NUMBER OF PEOPLE EMPLOYED



AMOUNT COLLECTED IN 2018



FAIRS AND EVENTS



SHOTFAIR

The biggest firearms and equipment fair in Brazil. Usually held in August in the state of Santa Catarina.



COP INTERNACIONAL

Largest event on public safety in Latin America. Usually held in Santa Catarina.



W2C

The Largest Urban Combat Gathering in the World. Usually held in São Paulo.



Defense & Security Experience

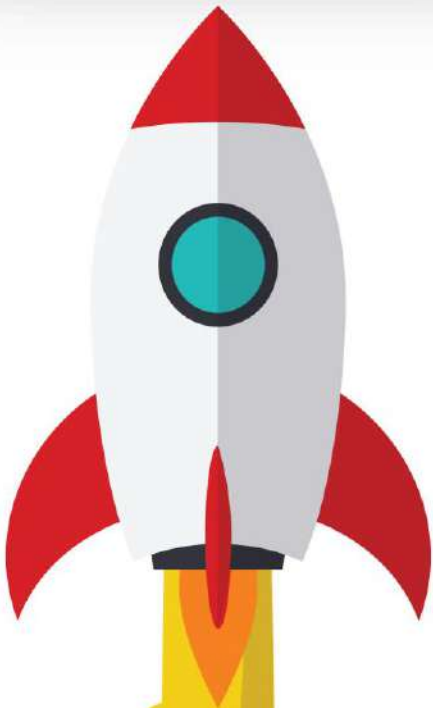
A firearm, ammunition, and defense fair. Usually held in São Paulo.

LAAD The most important Defense and Security Fair in Latin America. Usually held in Rio de Janeiro.



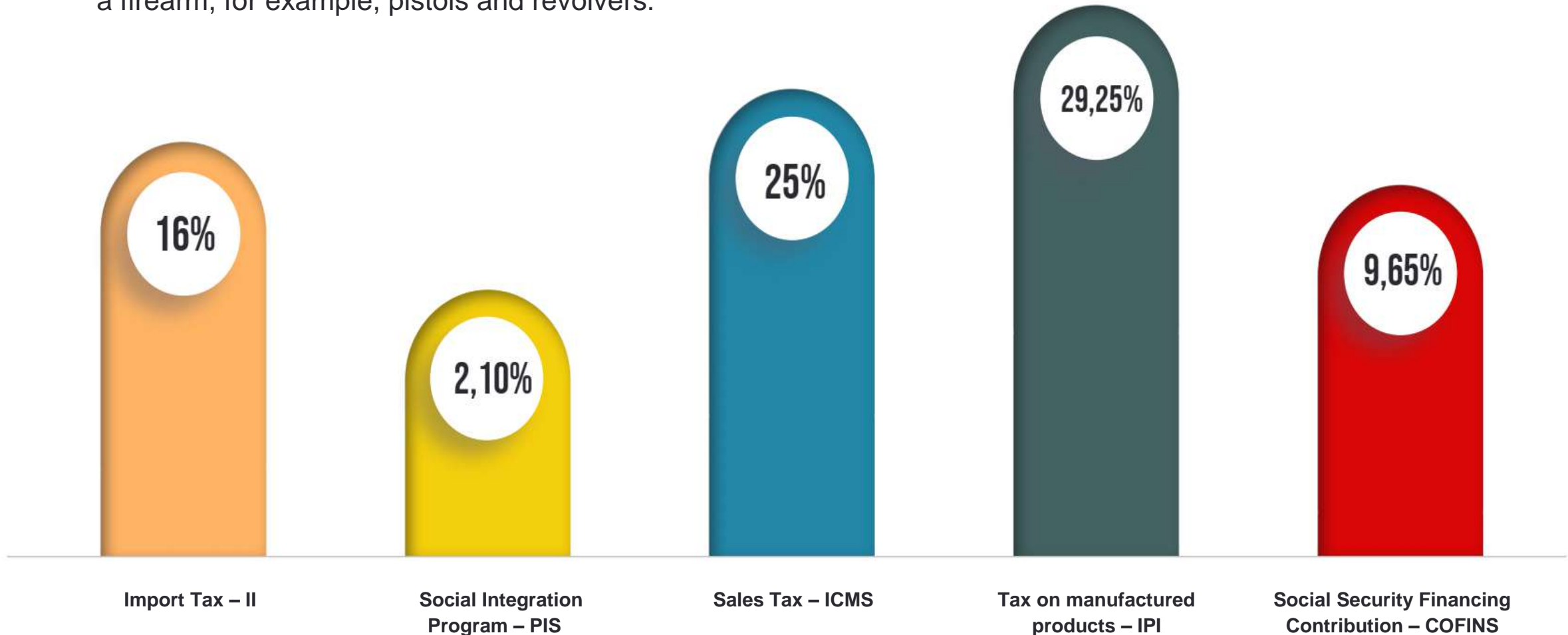
FAIRS AND EVENTS

Numbers that demonstrate the growth and interest of an audience by sector



FEES AND TAXES

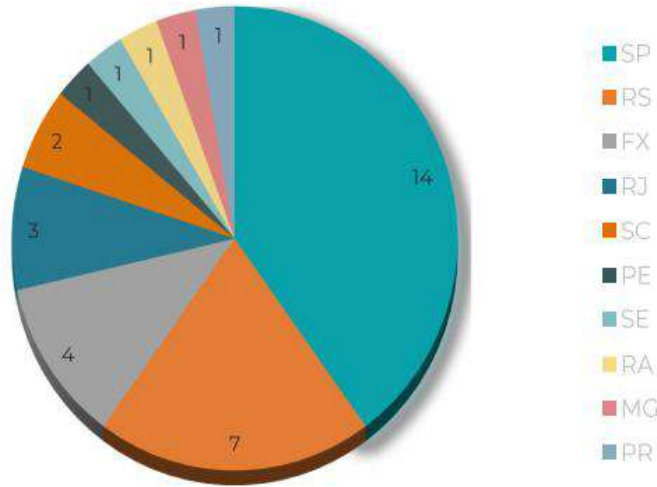
Currently, the following rates will apply when importing a firearm, for example, pistols and revolvers:



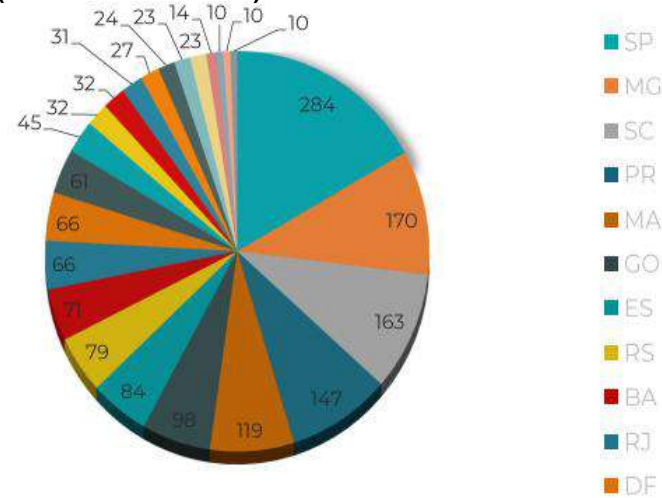
In addition to the outgoing invoice tax, depending on the taxation system that the company has adopted, plus freight, insurance, fees, storage, among others.



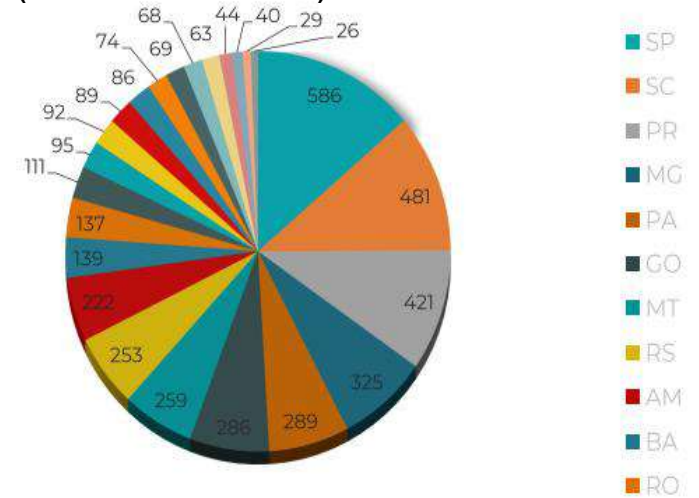
**FIREARMS AND AMMUNITION MANUFACTURERS – BRAZIL
(PRIMARY ACTIVITIES)**



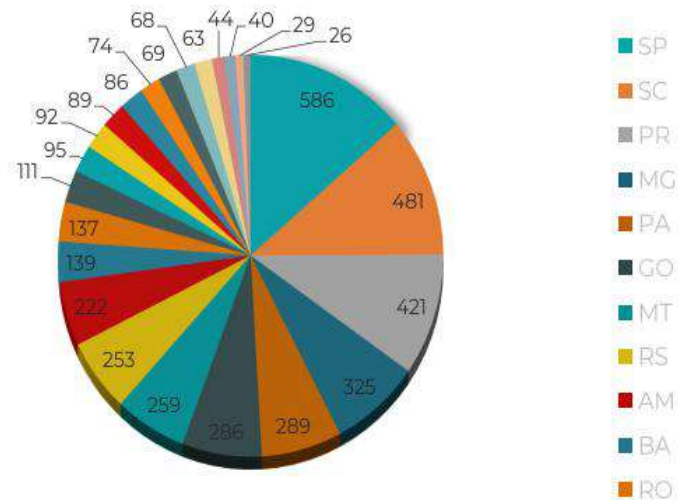
**FIREARMS AND AMMUNITION DEALERS – BRAZIL
(PRIMARY ACTIVITIES)**



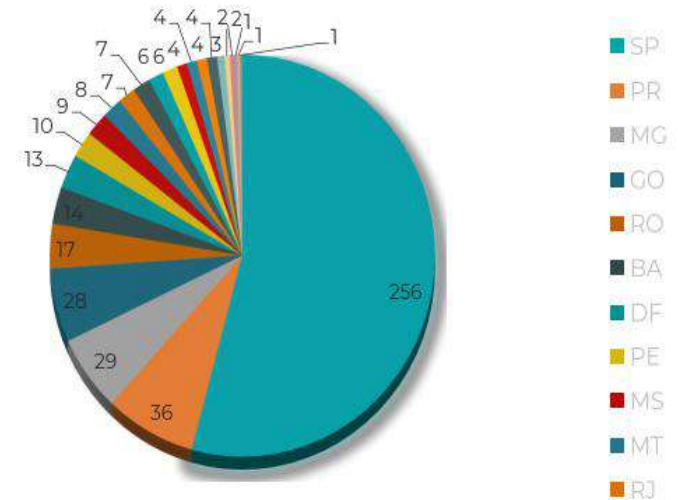
**FIREARMS AND AMMUNITION DEALERS – BRAZIL
(SECONDARY ACTIVITIES)**



**SHOOTING CLUBS -
BRAZIL
(PRIMARY ACTIVITIES)**



**SHOOTING CLUBS –
BRAZIL
(SECONDARY ACTIVITIES)**





Therefore, it can be seen that the market has considerable economic relevance and globally moves approximately 420 billion dollars a year and is not restricted to factories and firearms, ammunition, and equipment.

There is an extensive chain of service providers, including shooting clubs, instructors, psychologists, lawyers, and other professionals linked to both sports and the use of firearms as an instrument of defense.

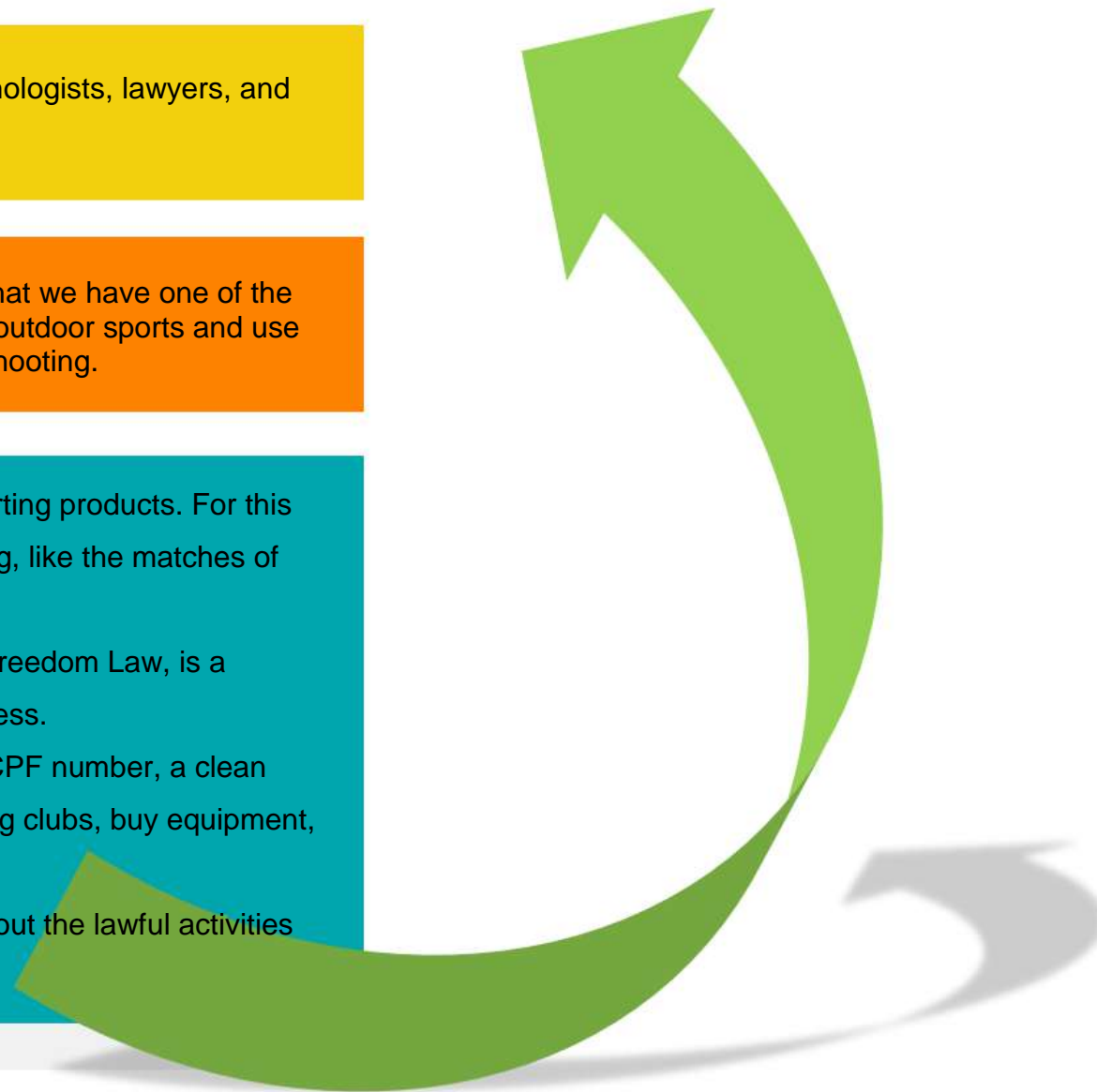
The relevance of these numbers should indeed be respected by the Brazilian State, given that we have one of the largest markets in the world here, where the very nature of the country is ideal for the practice of outdoor sports and use of related products and there is a repressed demand for products and services related to sport shooting.

Until 2019, Brazil was for firearms as it was in 1990 for automobiles due to the ban on importing products. For this reason, you see, there aren't even national ranges and qualifying matches for long-range shooting, like the matches of one kilometer or more that exist abroad.

What has recently been seen in the Federal Government's actions, through the Economic Freedom Law, is a commitment to encouraging economic sectors with a focus on streamlining the bureaucratic process.

As we have discussed, there is a repressed demand by people who have a fixed address, CPF number, a clean record, are psychologically prepared and technically ready to purchase firearms, frequent shooting clubs, buy equipment, and promote a lawful, economically important activity.

There is a need to change the mind set regarding firearms, providing correct information about the lawful activities that citizens can do with them, without linking them to criminal behavior.



FINAL COMMENTS

Given the above, it can be seen that the Disarmament Statute contributes to the rise in crime rather than fulfilling its purpose of reducing it.

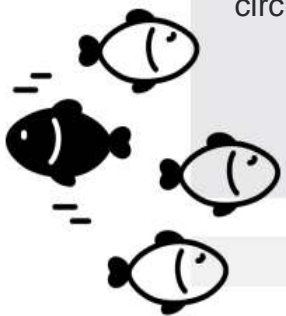
Notwithstanding the result of the 2005 referendum, meaning **THE POPULAR WILL DID NOT APPROVE ARTICLE 35 OF THE DISARMAMENT STATUTE**, the fact remains that current legislation does a disservice to public safety as it deprives citizens of the ability to protect themselves from those who, through illicit means, have access to the most powerful types of firearms.

Even after the Disarmament Statute went into effect, the number of homicides in the country committed with a firearm grew. The rates of violence failed to show the intended reduction, so that between 2004 and 2010, the annual number of homicides in the country remained at around 50,000 with a homicide rate per 100,000 inhabitants ranging from 25.2 to 27.

In addition to being totally without criteria, the disarmament policy proved to be innocuous since by exclusively affecting the law-abiding civilian population, it had no impact on the reduction of systemic violence.

And, repeating an earlier observation, the constitutional offenses and stains of illegality under discussion regarding the presidential decrees cannot be confirmed in view of the definitions that are absolutely typical of the regulatory activity exercised by the Executive Branch.

One should not remain under the illusion that state control will prevent crimes in general since an overwhelming number of firearms in circulation are illegal, having been smuggled into the country, reflecting a weakness in the government's ability to control its borders.





Access to firearms, or rather, the right to them, **AS THE POPULATION DECIDED IN 2005, IS RELATED TO A FUNDAMENTAL RIGHT, THAT BEING SELF DEFENSE.**

With this in mind, it is necessary to reflect on the disarmament policy both in the public policy sphere and in the private sphere, since, when the State claims that the only form of effective defense is restricted to it, society turns out to be doubly vulnerable, first because it becomes completely dependent on State, which has already shown itself to be incapable, and, finally, because it becomes vulnerable to the State itself.

