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# PUBLIC ACCESS TO FIREARMS

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## Abstract

The issue of access to firearms in Poland is often discussed and from time to time subject to public assessment. Legal access to weapons in Poland is difficult enough. The regulations in country are much more restrictive than in most European Union countries. The right to possess a firearm commands quite justified controversy especially from the perspective of state administrative authorities. This law has a significant impact on the so-called public safety. The main concern of the state administration is that the increased number of weapons in the society and in households may lead to an increase in crime involving with their use. An analysis of the existing legal issues and conditions resulting from the regulations was carried out. The rules of access to firearms in Poland and other countries in the world were also presented. The possibility of possessing a gun was compared to the occurrence of crime both in Poland and in the world.

## Key words

legal access to weapons in Poland, crime involving firearms, civilians,  
police officers

## Introduction

The Dictionary of the Polish Language defines a weapon as “an instrument of warfare, any thing used for self-defence or for the purpose of injuring an enemy, a weapon”<sup>1</sup>.

The definition of a firearm is enshrined in OJ 2020, item 955 Article 7 and reads as follows:

- for the purposes of the Act, a firearm is any portable barrelled weapon that expels, is designed to expel or may be adapted to expel one or more projectiles or substances by the action of a propelling material,
- for the purposes of the Act, an object which, by virtue of its construction or the material of which it is made, can be readily converted for the purpose of throwing one or more projectiles or substances as a result of the action of a propellant is deemed to be adaptable,
- within the meaning of the Act, a signal firearm is a reusable device which, as a result of the action of compressed gases resulting from the combustion of propellant, is capable of discharging from a barrel with a calibre of not less than 25 mm a substance in the form of a pyrotechnic charge in order to produce a visual or acoustic effect,
- within the meaning of the Act, an alarm firearm is a reusable device which, as a result of the action of compressed gases resulting from the

combustion of the propellant, produces an acoustic effect, and the substance fired from the barrel or an element replacing it, strikes the target at a distance of no more than 1 metre<sup>2</sup>.

By their very nature, weapons are used to kill, injure, destroy, and thus to inflict various types of physical destruction, including the infliction of psychological destruction in the form of anxiety, fear, panic, a sense of helplessness, anger and rage, a sense of harm, a desire for revenge and retaliation. Weapons have culturally defined symbolic meanings. Kopalinski's *Dictionary of Symbols*<sup>3</sup> states that: “[weapons] symbolise power, peace, justice; the execution of the condemned; power, arrogance, threat, revenge; conflict, war, the enemy; decisiveness; attack; defence; slaughter, fury, brutality; cunning; brotherhood; fear; death; spoils of war; destruction, misfortune”.

Political and legal conditions include the right of citizens to use and possess weapons, in particular firearms. In Poland, as in many other countries, access to weapons is subject to significant restrictions under the Weapons and Ammunition Act and requires a state weapons permit. In a certain group of developed countries, such as the United States, Switzerland or Israel, access to weapons is more liberal<sup>4</sup>. The ethical and utilitarian implications of these differences are the subject of worldwide public debates<sup>5</sup>. Mention should be made of

1 W. Poznaniak, *Socio-psychological aspects of gun ownership*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2003, z. 2, p. 265.

2 *Act of 21 May 1999 on arms and ammunition* (i.e. Journal of Laws of 2020, item 955.).

3 W. Poznaniak, *Socio-psychological...*, p. 265.

4 [https://pl.wikipedia.org/wiki/Prawo\\_dost%C4%99pu\\_do\\_broni](https://pl.wikipedia.org/wiki/Prawo_dost%C4%99pu_do_broni) [access: 01.09.2022].

5 *Regulation of the Minister of Internal Affairs and Administration of 29 August 2011* (Journal of Laws of 2011, No. 191, item 1140).

the categories of firearms, which are enshrined in the Regulation of the Minister of the Interior and Administration on types of firearms corresponding to the categories of firearms defined in the Directive on control of the acquisition and possession of weapons of 29 August 2011 and further described in the Directive of the European Parliament and of the Council on control of the acquisition and possession of weapons (Journal of Laws No. 191, item 1140).

The following categories of firearms were distinguished:

- Category A – a category of firearms, as defined by the Directive, to which firearms and ammunition belonging to them are not permitted to be acquired and possessed by natural persons on the territory of the Republic of Poland,
  - category B – a category of firearms as defined in the Directive, in which firearms belonging to them require a permit issued by the competent Polish authorities for acquisition and possession by natural persons on the territory of the Republic of Poland;
  - Category C – the category of firearms, as defined by the Directive, to which the firearms belonging to it require registration,
  - Category D – a category of firearms, as defined by the Directive, to which the firearms belonging to it do not require a licence or registration,
  - short firearm – a firearm with a barrel not exceeding 30 cm in length or whose overall length does not exceed 60 cm,
  - long firearm – any firearm other than a short firearm,
  - automatic firearm – a firearm that reloads automatically after each shot fired and is designed to fire more than one round at a single trigger pull,
  - Self-reloading firearm – a firearm that reloads automatically after each shot fired and is designed to fire only one round at a single trigger pull,
  - repeating firearm – a firearm which, after firing a cartridge, can be reloaded manually from a magazine or cartridge drum,
  - single-shot firearm – a firearm that is loaded before each shot, by manually loading a cartridge into the cartridge chamber or an element performing such a function.
- The categories of firearms specified in the Directive correspond to the following firearms on the territory of the Republic of Poland:
- Category A:
    - a. self-propelled firearms capable of hitting targets at a distance,
    - b. firearms:
      - manufactured or altered in such a way as to conceal its purpose, and firearms imitating other types of objects,
      - fitted with a bang silencer or adapted for shooting with a bang silencer,
      - not detectable by the equipment designed for the control of persons and luggage,
    - c. ammunition:
      - with projectiles filled with explosives, incendiaries or other substances whose effects endanger life or health, and projectiles for such ammunition,

- with full-bore bullets containing a core made of a harder material than lead alloy,
  - with sub-calibre bullets, with a jacket or leading element made of plastics, excluding ammunition designed to be fired from smooth-bore weapons, not manufactured, including those using brand new ammunition components, excluding ammunition manufactured for personal use by persons owning hunting, sporting or collector firearms;
  - Category B:
    - a. long and short firearms, including self-reloading, repeating or single-shot firearms,
    - b. long and short firearms, structurally designed to be fired only with blank ammunition, including automatic weapons,
    - c. long and short firearms designed to be fired using only black (smoke) powder;
  - Category C – does not correspond in the Republic of Poland to any type of firearm<sup>6</sup>.
  - Category D – does not correspond in the Republic of Poland to any type of firearm.
1. Literature review:
    - existing academic literature, government reports, NGO publications and newspaper articles on access to firearms, legislation, crime-related statistics and the impact of firearms on public safety were analysed,
    - key theories and models on firearms regulation and their application in different countries were identified.
  2. Legal analysis:
    - a detailed analysis of the existing laws on access to firearms in selected countries, including Poland, the United States, Switzerland and Australia, was conducted,
    - differences and similarities in regulations on the possession, carrying and use of firearms were identified.
  3. Analysis of statistical data: data from databases such as Eurostat, FBI Uniform Crime Reports, Small Arms Survey and other international sources were used.
  4. Case study analysis:
    - a case study method was used to analyse specific firearms-related incidents such as mass shootings, self-defence incidents and incidents of private gun misuse,
    - the effects of these incidents on local communities and on the public debate on access to firearms were analysed.
  5. Comparative analysis: a comparative analysis of firearms policies and regulations in different countries was conducted to identify best practices

## Methodological and Methodical Assumptions

In order to explore the issue of public access to firearms, a multifaceted research approach was used, which includes both qualitative and quantitative analysis methods. The key research steps and techniques used in this article are outlined below:

<sup>6</sup> Ibidem.

and the impact of different regulatory approaches.

Cultural, historical and social influences on differences in regulation and their effectiveness were considered.

The methodology adopted has enabled a comprehensive assessment of the issue of public access to firearms. The legal and comparative analysis provided insights into the diversity of regulations around the world, while the analysis of statistical data allowed an assessment of the practical effects of access to firearms.

## Functions and determinants of access to arms

A citizen's right to possess weapons cannot be derived from the applicable provisions of law, including the provisions of the Constitution of the Republic of Poland and the norms of international law. The issuance of a permit to possess firearms must therefore be justified in each individual case by specific factual circumstances, and these must not be subjective but objectively existing circumstances. The person applying for a weapon is obliged, in the course of administrative proceedings, to convince the Police authorities that there is a 'justified circumstance' in relation to him or her, i.e. he or she possesses such a characteristic that distinguishes him or her from the general public that he or she unquestionably and obviously deserves to use an individual weapon. According to the ruling of the WSA in Warsaw of 22.10.2007 the right to possess firearms

is not a right granted by the Constitution of the Republic of Poland<sup>7</sup>. Possession of weapons is strictly rationed.

The legal act regulating access to firearms is the Act of 21 May 1999 on arms and ammunition<sup>8</sup>. The Act defines the principles of issuing and withdrawing permits for weapons, acquisition, registration, storage, disposal and deposition of weapons and ammunition, transport through the territory of the Republic of Poland and the transport from abroad and export abroad of weapons and ammunition, as well as the possession of weapons and ammunition by foreigners and the principles of functioning of shooting ranges.

The right to possess firearms is a subjective right that does not apply *erga omnes*, but only to a group of citizens fulfilling strictly defined conditions by law. In Poland, there is no legal norm shaping the notion of a universal right of citizens to possess firearms. In fact, the law states *expressly verbis* that, except in the cases specified therein, possession of weapons is prohibited. The right to possess firearms may be obtained as a result of a weapons permit issued by the Provincial Police Chief Commandant competent for the place of permanent residence of the person concerned or the seat of the entity concerned, and in the case of professional soldiers, on the basis of a permit issued by the competent Chief of the Military Gendarmerie Unit. It is not required to obtain a weapon permit in the case of: the collection of weapons in museum collections on the

7 K. Chłupka, *Permission to possess firearms – remarks de lege lata and de lege ferenda*, "Nowa Kodyfikacja Prawa Karnego" 2014, Vol. XXXII, p. 103.

8 *Act of 21.05.1999 on arms and ammunition* (i.e. Journal of Laws of 2020, item 955).

basis of separate regulations, the use of weapons for sporting, training or recreational purposes at a shooting range operating on the basis of a permit issued by the competent authority, the use of signal and alarm firearms for the purposes of calling for help, rescue, search and by persons authorised to signal to competitors the start of a sports competition during a sports competition, if it requires such signalling<sup>9</sup> the possession of weapons by entrepreneurs trading in weapons and ammunition on the basis of a licence or providing gunsmithing services on the basis of separate regulations, provided that this is directly related to the conduct of business activity, the possession of weapons transferred for the purpose of deprivation or confirmation of their deactivation, the possession of firearms deprived of their functional qualities, the possession of firearms discharged from a separate load manufactured before 1885 and replicas of such firearms, and the possession of alarm firearms with a calibre of up to 6 mm.

The disposition of Article 15(4) of the *ubopia. expressis verbis* excludes the issuance of a weapons permit to persons:

- a. under 21 years of age;
- b. with mental disorders or significantly impaired mental and physical capacity;
- c. exhibiting significant psychological dysfunction;
- d. addicted to alcohol or psychoactive substances;

- e. who do not have a permanent residence in the territory of the Republic of Poland;
- f. posing a threat to themselves, public order or safety:
  - sentenced by a final court decision for an intentional crime or an intentional fiscal crime,
  - convicted by a final court decision of an unintentional offence:
    - against life and health (e.g. manslaughter resulting in more than seven days' hospitalisation of the victim)<sup>10</sup>,
    - a gainst traffic safety committed while intoxicated or under the influence of an intoxicant, or when the offender has fled the scene.

The legislator imposes obligations on the person who holds a weapon permit. Such a person is obliged, according to the disposition of Article 15(4) of the AIA, to submit to the competent police authority once every five years up-to-date medical and psychological certificates. This provision unambiguously refers only to a person holding a weapon permit issued for personal protection or protection of the safety of other persons or property and there is no justification for its broadening interpretation, resulting in the assumption that the obligation indicated therein is also imposed on other weapon permit holders<sup>11</sup>. At the same time, it should be emphasised that the police authorities have the possibility

9 W. Depa-Wasilek, *The right of access to firearms of Polish citizens in the light of legal and security norms*, "Geopolitical Review" 2019, No 27, p. 118.

10 K. Chlupka, *Permission to possess...*, p. 111.

11 *Ibidem*, p. 117.

to check whether the holder of a weapon permit is not one of the persons listed in Article 15(1), points 2-4, i.e. those to whom a weapon permit is not issued.

A condition for obtaining a weapons permit is also knowledge of the regulations on the possession and use of a given weapon and the ability to use that weapon – confirmed by an examination (the examination commission is appointed by the competent police authority)<sup>12</sup>.

A weapon permit may be revoked at any time if the authority issuing it finds that the holder of the weapon does not comply with the conditions specified in the weapon permit or violates the provisions of the Act.

We also distinguish between types of weapons by purpose. Table 1 shows the specifications of the weapons for which a permit can be obtained.

**Table 1.** Specification of weapons by purpose for which a permit may be obtained

Purpose	Type of weapon
Personal protection	firearms: combat, gas and alarm in the form of pistols or central-fire revolvers in calibers from 6 mm to 12 mm
Protection of persons and property	firearms: combat, gas and alarm in the form of pistols or central-fire revolvers in calibers from 6 mm to 12 mm, signal pistols, submachine guns in calibers from 6 mm to 12 mm, repeating rifles in calibers of 12 gauge, automatic carbines in calibers from 5.45 to 7.62 mm
Hunting	weapons authorised for hunting on the basis of separate regulations
Sports	firearms: sidearms with threaded barrels, calibre up to 6 mm, bolt-action rifles with threaded barrels, calibre up to 12 mm, smooth-bore, designed to be fired only with black powder (smoke)
Training	each as referred to above
Historical reconstructions	alarm or other firearm by construction designed to fire blank ammunition only, including self-propelled ammunition
Collectors and Commemorative	each as referred to above.

Source: W. Depa-Wasilek, *The right of access...*, p. 120.

It should also be noted that gun ownership fulfils various psychological functions:

- the weapon provides the bearer with a greater sense of security for himself and those close to him,

<sup>12</sup> B. Pawlaczyk, *Theoretical and practical problems of access to firearms vis-à-vis the views of young Poles*, "Ante Portas – Security Studies" 2016, No 2(7), p. 172.

- the weapon is intended to reduce the attacker's sense of impunity, the sight of it and the threat of its use is intended to make him fearful and induce him to abandon his intention to commit a crime,
- owning a gun is used to emphasise one's own power, worth and importance – having a gun means as much as 'being someone', someone important who 'no one will touch',
- possession of a weapon and the threat of its use can be used to commit a crime,
- hunting weapons are used for hunting purposes,
- weapons are acquired for collection and commemorative purposes,
- shooting is a specific sport in which sporting weapons are used,
- most weapons remain in the equipment of the police and the military, the weapons in their hands being used to ensure the security of the state and its citizens, to fight crime, to defeat enemy troops<sup>13</sup>,
- weapons are also used for training purposes.

## Firearms in the hands of Polish citizens

Poland has had restrictions on the acquisition and possession of firearms since the beginning of the 20th century. The first Polish law restricting access to firearms was the Decree of the Head of State of 25 January 1919, which provided for one

year's imprisonment and a fine of 5 000 marks for illegal possession of firearms, ammunition or military material, and for illegal possession of hunting weapons or short firearms, a sentence of up to three months' imprisonment or a fine of up to 3 000 marks<sup>14</sup>. Citizens who wished to own weapons had to apply for a weapons permit initially to the police, then to the administrative bodies of first instance, i.e. the district governors.

In the Polish legislative tradition there are not and never have been legal guarantees related to the possibility of possessing firearms, either at the level of fundamental rights and freedoms guaranteed by the Basic Law or by acts of lower rank<sup>15</sup>. It should be noted that also jurisprudence has always modelled a system of values, such as security, property and freedom, without the possibility for the individual to secure them with firearms.

Statutory regulations restrict citizens' access to weapons. According to the Weapons and Ammunition Act 1999, a weapons permit may be obtained if the applicant does not pose a threat to himself, public order or safety and presents a valid reason for possessing the weapon. A weapons permit can be obtained for the following purposes: personal protection, protection of persons and property, hunting, sporting, historical reconstruction, collecting, commemorative or training. Police statistics show that by 31 December 2016, 197,929 people had a weapon permit, with 424,675 registered weapons in their possession. A weapon permit issued for

13 W. Poznaniak, *Socio-psychological...*, p. 265.

14 A. Dragan, A. Krasnowolski, A. Stawicka, J. Tracz-Dral, S. Woronowicz, J. Wozniczko, *Principles of access to weapons in selected European countries*, "Topical Studies" 2017, no. 658, p. 3.

15 R. Mikowski, *Some remarks on the legal forms of administrative action regarding access to firearms*, "Legal and Economic Digital Library" 2018, No 3867. p. 164.



personal protection is held by 45,481 people<sup>16</sup>. In 2016, 244 people obtained a weapon permit for personal protection, the largest number of weapon permits were issued to hunters – 50 072. It was stated that Poland is one of the most ‘disarmed’ countries in Europe. It is worse only in Lithuania and Romania<sup>17</sup>.

If we consider the views of young Poles, Bogumiła Pawlaczyk conducted a survey among students of the President S. Wojciechowski Academy of Kalisz, in which research on the essence of civic and patriotic attitudes was carried out. One of the questions that is relevant to this study is the question of attitudes towards universal access to firearms and their possible use for personal protection. The opinions of the respondents were divided. 50.3% of respondents were in favour of universal access to firearms, while 45.8% were against such access. However, clear differences of opinion were noted between men and women<sup>18</sup>. Students were more likely to answer in the affirmative (76% of respondents), while female students were against universal access to firearms (59.5% of “no” and “rather not” answers). Respondents also expressed an opinion on the quality of legal regulation of gun ownership by private individuals. The majority of respondents are not satisfied with the laws regulating citizen access to firearms (49.7%), with 42.6% of respondents holding the opposite opinion<sup>19</sup>. Significant in

this case is the number of people who were unable to take a position on the subject, the answer “I have no opinion” was given by 7.7% of the respondents. Views were found to be mixed on both possession and access to firearms. The young generation of Poles, like the majority of society, does not have a clear position on this issue.

## Rules on access to arms in selected countries

The right of access to firearms is a kind of political-legal conditionality covering the right of citizens to own and use weapons and, as such, is legislatively strictly regulated<sup>20</sup>. The resulting restrictions are known not only in Poland but also in most democratic and economically developed countries.

According to a compilation by the Canadian daily “National Post” (Gun Nations, 2012), there are 1.3 firearms per 100 inhabitants in Poland<sup>21</sup>. Romanians (0.7), Lithuanians (0.7) or Japanese (0.6) have fewer weapons than Poland. Statistically, in private hands in Germany there are approx. 30.3 weapons per 100 inhabitants. For other countries it is, for example, the Czech Republic – 16.3; Slovakia – 8.3, Ukraine – 6.6, Belarus – 7.3. However, there are countries where citizens’ access to firearms is much more liberal. The record holders in Europe are:<sup>22</sup> Switzerland

16 A. Dragan and others, *Principles of access...* p. 3.

17 <https://fakty.plportal.pl/artykuly/polska-felietony/bosak-polska-najbardziej-rozbrojonym-krajem-ue> [access: 02.09.2022].

18 B. Pawlaczyk, *Theoretical and practical...*, p. 179.

19 *Ibidem*, p. 180.

20 W. Depa-Wasiłek, *The right of access...*, p. 115.

21 A. Dragan and others, *Principles of access...*, p. 4.

22 <https://bastiondialogu.pl/czy-polacy-powinni-miec-ulatwiony-dostep-do-broni/> [access: 03.09.2022].

and Finland over 45, followed by France, Austria, Norway and Sweden, over 31. In the USA, there are over 300 million guns in private hands, a ratio of over 90 guns per 100 inhabitants.

Norway, along with Sweden and Finland, is one of the countries in Europe with the highest ratio of weapons per capita due to its strong hunting traditions. In the hands of Norwegians there are approx. 1.3 million privately owned weapons (the country has a population of over 4.6 million). According to the Norwegian media, there is in fact a problem of unregistered weapons<sup>23</sup>. In order to be allowed to own a weapon in Norway, one must be at least 18 years of age and demonstrate to the local police in one's place of residence that the weapon is needed for hunting or for sporting purposes (shooting).

In Sweden, you also have to be at least 18 years of age and have been active for at least six months in a hunting or sports club. The licence is granted by the police.

In Finland, a new law came into force in June 2010, under which the minimum age for gun ownership is 20 years. The increase in the age limit occurred in Finland as a result of tragic shootings initiated by young people with gun licences. More than 20 people have died in such incidents in the past four years<sup>24</sup>. In Sweden and Finland, there are proposals to tighten gun licence regulations.

The regulations in force in Germany date back to 2003, a permit to own a

sporting weapon can only be obtained from the age of 21. The exception to this is small-calibre sporting weapons used in Olympic disciplines. Those under the age of 25 must undergo a psychological examination to obtain a permit<sup>25</sup>. In Spain, private individuals can obtain the right to own and use firearms only by means of special permits (licences) when they need them for self-defence, private protection, as well as for sporting purposes, hunting and for collecting. The application for a permit must be accompanied by, among other things, a certificate of no criminal record and mental and physical condition.

When we look at the arrangements for regulating access to firearms in Europe, the differences between countries are not great. Some countries have more, others less stringent regulations, but in general there is no universality of access to firearms in Europe. The situation is different outside Europe, and so in the United States of America, generally under the Second Amendment to the Constitution, every citizen has the right to have a gun in their home. When we look at the details, it is apparent that the majority of states fully allow the possession and carrying of weapons without a licence, without any restrictions<sup>26</sup>. This is guaranteed by the Second Amendment to the US Constitution.

Table 2 shows the licensing rules for gun ownership in selected European countries.

23 <https://prawo.gazetaprawna.pl/artykuly/533645,zasady-regulujace-posiadanie-broni-palnej-w-krajach-europy.html> [access: 03.09.2022].

24 Ibidem.

25 Ibidem.

26 G. Nakielski, A. Tokarski, M. Górecka, R. Janiak, *Access to firearms in Poland – selected problems*, "Prace Naukowe WSZiP" 2017, No 40(1), p. 64.

Table 2. Licensing rules for gun ownership in selected European countries

Country	Minimum age	Reasons for applying for an arms licence	Requirements for criminal record, attitude moral etc.	Requirements Health	Training/tests	Other requirements
Austria	21 years; 18 years for hunters	Necessary justification, the need for weapons. License to carry weapons shall be issued only to persons who can demonstrate that they are exposed to a particular risk	§8 of the Act enumerates a number of situations that disqualify applicant for an arms licence. These include convictions for violence, smuggling in an organised group, drug addiction or alcohol	Certificate from a psychologist	Not	Safe storage arms
Czech Republic	18 years; 16 years for hunters and sport shooters	It is not necessary to justify the reason for wanting to own a firearm; every citizen has the right to have one	No criminal record required	Medical examinations with your family doctor, in case of doubt additional research with a specialist	Shooting test	Ban on wearing arms in certain Sites (e.g. demonstrations)
Germany	18 years; 14-18 years training or working under supervision; 21 years old – shooting	Licensed hunters, long-distance shooters, members of societies shooters, people at risk, collectors, experts, manufacturers, retailers, security companies	No criminal history, no involvement in a criminal group or terrorist, lack of legitimate suspected offences	No dependency, mental illness or restrictions mental, evaluation psychiatric service for persons under 25 years of age	Knowledge of operation arms and legislation concerning weapons	A minimum of five years permanent residence in Germany, secure storage arms and ammunition

Table 2. Licensing rules for gun ownership in selected European countries

Country	Minimum age	Reasons for applying for an arms licence	Requirements for criminal record, attitude moral etc.	Requirements Health	Training/tests	Other requirements
Norway	21 years in the case of possession of revolvers, pistols and their parts, 18 years for other types arms, 16-18, if the weapon stored is by the guardian or other holder arms permits	„Justifiable need“		No addictions, responsibility	Active membership in legal shooting groups or sentence tests for persons aged 16-18, who wish to purchase shotgun or rifle	Police consent, safe storage
Great Britain	18 years	„Serious reason“ for having weapons (e.g. profession, sport, recreation, pest elimination), legitimate self-defence	Disagreement due to a prison sentence of more than 3 years or a stay of in pre-trial detention, persons convicted of three months to 3 years may not possess weapons for 5 years from the date of release	No contraindications due to mental health, home situation and attitude to weapons, access to full documentation medical by the issuer permission.		Meeting standards storage

Source: A. Dragan, i in., *Principles of access...*, p. 27

## Firearms and crime

There is no clear and lucid correlation between the prevalence of firearms in society and rates of murder by firearms. It does not exist for individual American states, it does not exist in the wider international context, it does not exist for rich and stable democracies or for bankrupt and declining republics<sup>27</sup>. On a macro level, gun ownership does not worsen security, but it does not particularly improve it<sup>28</sup>. Using data posted on the website under the heading of a list of countries by firearm-related death rate, the authors of the blog [hoplofobia.info](http://hoplofobia.info) have produced a graph showing the homicide rate of firearms (short pistols, revolvers, carbines, shotguns and other unspecified designs) in relation to the number of guns in private hands.

Taking Europe into account, the relationship between killing and firearms shows a lack of tangency (R-square value of 0.0184)<sup>29</sup>. Russia is not included in the graph, as the Russian police do not make homicide statistics public with a breakdown by murder weapon.

Violent crime has serious consequences for both individuals and society. These consequences are so severe that the World Health Organisation “recognises violence as a significant contributor to the overall burden of disease and injury”. In 2016. More than 400,000 people, not including war casualties, were killed by violence

in so-called intentional and unintentional killings. The Small Arms Survey, taking these figures into account, found that the global homicide rate in 2015-2016, although slightly, increased for the first time since 2004. Firearms violence is a well-studied area in the US, where it is considered a serious public health problem. More than 30,000 people die each year in the US from firearm-related violence, suicide and accidents. Although the same figures for Western Europe are much smaller, firearms violence is on the rise and is a common feature of organised crime, including violence gangs. One Western European country where firearms violence is increasing significantly is Sweden. Recent international studies indicate that the rates of fatal and non-fatal shootings in Sweden are higher than the average for Western European countries, at least with regard to young men as victims. Other reports indicate that Sweden has one of the most significant changes in the world in terms of the increase in the percentage of firearm use between 2011 and 2016 compared to 2005<sup>30</sup>.

By contrast, homicides involving firearms are virtually non-existent in Poland. As such, homicides are extremely rare, as around 500 cases in a country of 38 million people is a small number. Firearm homicides of around 20 per year is a statistically insignificant number.

27 <https://www.hoplofobia.info/korelacja-bron-zabojstwa-w-ujeciu-przekrojowym/> [access: 03.09.2022].

28 Ibidem.

29 Ibidem.

30 A. Khoshnood, *Firearm-related violence in Sweden – A systematic review*, “Aggression and Violent Behavior” 2018, vol. 42, p. 43.

## Summary

Laws relating to the possession of firearms in Poland do not guarantee citizens access to their possession and, through numerous regulations, it is found that there are major restrictions in this area. In view of the current socio-political situation and the events taking place in Poland and in the European Union, the problem of access to firearms should be given special consideration. The legislator's approach about the fact that the citizen's subjective feelings about ensuring his/her own safety with firearms does not seem to be justified in today's reality. It has been noted that the issue of citizens' access to firearms raises many emotions. In doing so, two completely different positions clash. The restrictive one, which represents the view that the fewer weapons in the possession of private individuals, the less chance of their use for criminal purposes. The second more liberal approach speaks of personal freedom and responsibility. It is difficult to determine unequivocally whether owning firearms in Poland will increase crime or whether, on the contrary, it will increase security.

In Poland, the right to possess weapons for personal protection purposes is very strict, in practice eliminating the possibility of defending one's home mirrors with firearms. The condition for obtaining a permit for weapons for the purpose of personal protection or

protection of persons or property is a constant, real and above-average threat to life, health or property. In a word, legal access to weapons in Poland is quite difficult. The regulations in the country are much more restrictive than in most countries belonging to the European Union. What requirements must be met in order to obtain a gun permit? The first requirement consists of being over 21 years of age and having no mental disorders. Another is the absence of significant psychological dysfunction and addiction to psychoactive substances and alcohol. A reason for owning a weapon is essential. The most commonly given ones include personal defence, property defence and defence of other persons.<sup>31</sup> The law also gives other circumstances behind the issuance of a permit: sporting, hunting, collecting, commemorative or training purposes.

It is difficult to say what the law will look like in the future and what the conditions will be regarding the possibility of owning firearms in Poland. The availability of firearms in the coming years may undergo a major change, more specifically the extension of requirements to be met by a person applying for a permit to own a weapon, such as psychiatric and psychological examinations updated every few years, a certificate of no criminal convictions and opinions obtained in interviews conducted, for example, with family, friends and colleagues.

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31 E. Adamczyk, *Access to firearms for personal protection in Poland*, "Studies on Security" 2016, No 1, p.149.

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