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Presentation title: To Protect and Seize: the duty to protect society against gun violence in light of recent ECtHR case law

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The positive obligation under article 2 ECHR requires States to protect those in their jurisdiction against various threats to the right to life, including gun violence. When applied to the prevention of firearms misuse by non-state actors, this first of all implies the existence of a regulatory framework that allows for the control and supervision of private ownership of firearms. Secondly, law enforcement authorities are also expected to take the necessary operational measures to prevent misuse of firearms. This may include measures such as the withdrawal of a firearms licence or the seizure of a firearm. The recent *Kotilainen and Others v. Finland* judgment represents an important development in the ECtHR jurisprudence on this topic. It shows, among other things, that law enforcement authorities need to observe a special duty of diligence when dealing with potential misuse of firearms. The failure to preventively seize a firearm, even when the concerned person does not pose a real and immediate risk to the life of others, may violate the right to life.

This presentation will first focus on the human rights obligation to protect society against gun violence, with an emphasis on the implications of the *Kotilainen and Others v. Finland* judgment for the discretionary margin of law enforcement authorities. Next, the possibilities under Belgian law to preventively seize a firearm are examined in light of obligation to protect the right to life.