

## THE CASE FOR GUN CONTROL: REDUCING DOMESTIC HOMICIDE

### Overview

Throughout the world, guns figure prominently in the cycle of violence against women. Women are at risk of being victimized by their intimate partners. While the vast majority of gun owners are male<sup>1</sup> - and more men are killed with firearms than women - women's experience with firearms is different. Studies of abused women in many corners of the world, including in Canada<sup>2</sup>, report remarkable similarities in the behaviour of abusers, especially amongst those who rely on guns to underpin their violence. Firearms increase the chance that assaults will escalate into murder; are frequently part of the cycle of intimidation and violence that many victims face in their homes, and are used against women when they are present during domestic conflicts. On average, one in three women killed by their husbands in Canada are shot. Often children are also victims, as the presence of firearms not only increases the lethality of domestic violence situations, but the number of victims. For every woman killed or injured with a firearm, many more are threatened with guns. A study done in the provinces of New Brunswick and Prince Edward Island on family violence in rural settings found that two thirds of the women indicated there were firearms in their home said knowing about the firearms made them more fearful for their safety and well-being. Women were more likely to express concern for their safety when the firearms owners were not licensed, and the firearms not registered or safely stored.<sup>3</sup> In Alberta, shelter worker estimated that at least 40% of her clients had been threatened with a gun.<sup>4</sup>

The presence of firearms is a particular risk factor for domestic homicide. Early studies showed that family and intimate assaults involving firearms were twelve times more likely to result in death than intimate assaults that did not involve firearms.<sup>5</sup> A study of women physically abused by current or former intimate partners in the United States revealed a fivefold increased risk that the abusing partner would murder the woman when he owned a firearm.<sup>6</sup> Recent work reinforces the fact that access to firearms is also one of the top five risk factors associated with domestic murders of women in Canada.<sup>7</sup> In Ontario, a province where only 15% of homes have firearms, 55% of individuals who committed domestic murders of women had access to guns, which reinforces the idea that a gun in the home dramatically increases the risk of death in domestic violence situations.

### Risk Factors in Domestic Violence<sup>8</sup>

Factor	%
Separation from spouse	82%
Depression	73%
History of domestic violence	73%
Prior threats to commit suicide or suicide attempts	55%
<b>Possession or access to firearms</b>	55%
Obsessive behaviour	45%
Control of victim's activities	45%
Excessive alcohol and/or drug use	45%
Attempts to isolate the victim	36%
Escalation of violence	36%
Destruction of the victim's property	27%
Perpetrator unemployed	27%
Prior threats to kill the victim or threats with a weapon	27%
Forced sexual acts or assaults during sex	18%
Isolation of victim	18%
New partner in victim's life	18%
Perpetrator witnessed domestic violence as a child	18%
Violence against pets or livestock	18%

International research has shown that in industrialized countries, rates of firearm ownership are linked with rates of femicide. Opponents of gun control measures, such as licensing and registration, tend to come from regions where guns are more common, such as rural communities- and in Canada, in the Western provinces. However, in these areas firearms figure most prominently in incidents of domestic violence. A study of femicide in 26 developed countries illustrated that there is a strong relationship between the rates of women killed in domestic violence situations and the availability of firearms<sup>9</sup>. These statistics suggest that while violence against women is endemic, rates of death are higher in contexts where guns are prevalent, as guns increase the lethality or risk of death in those violent situations.

### **The Role of the Law**

The role of firearms legislation in protecting women has been well documented. The United Nations Commission on Crime Prevention and Criminal Justice maintained that strong controls on firearms were needed to protect women from violence and in 1997 explicitly recognized the need to strengthen regulations on firearms in order to address violence against women.<sup>10</sup> The resolution outlined the key elements of effective legislation, including licensing, registration and safe storage. Licensing is intended to reduce the chance that those who present a risk for violent action have access to firearms. Registration is intended to help enforce licensing and to reduce the chances that legal guns will be diverted into illegal markets. Safe storage also reduces the risk that these guns will be used impulsively. These measures are in place in most countries worldwide, although combating violence against women is still not always a priority.<sup>11</sup>

In Canada, the murder of 14 young women at an engineering school on December 6 1989 by a man who shouted “you are all a bunch of feminists,” focused attention on the role of firearms in violence against women. As well, several high profile inquiries into domestic violence cases drew attention stressed the importance of licensing gun owners and registering firearms.

Legislation which was developed in 1991 (Bill C-17,) and then strengthened in 1995 (Bill C-68, the Firearms Act), explicitly included provisions aimed at reducing access to guns amongst those with a history of violence against women. While the screening process was strengthened in 1991, it was further improved in 1995. Licensing gun owners is an essential measure to keep guns away from potentially abusive spouses, and individuals with a history of violence. A substantial proportion of men who kill their partners have either criminal records or a history of psychiatric treatment. In many of these cases, other members of the community have known that these threats and acts of violence were occurring.

Under the law, extensive background checks are conducted on every person who applies for a licence. The questions on the firearms application form are directly linked to studies of domestic homicides and suicide involving firearms. A number of risk factors were identified in those studies: a history of violence, past substance abuse (drugs and alcohol), an existing criminal record, a separation or pending separation, depression, or employment and financial problems.

The 1995 legislation requires current and former spouses (from the past 2 years) to be notified when an applicant applies for a firearms license, and continuous monitoring of firearm licensees is intended to ensure that license eligibility is immediately reviewed when there is a domestic violence incident. A toll-free line was created for spouses of applicants or others who may have concerns about their safety. There have been 22,523 firearm licenses refused or revoked between 1999 and 2008 because the individual in question was deemed a potential risk to themselves or to others<sup>12</sup>.

While some argue that owning guns is a right, international experts maintain that governments have an obligation to regulate firearms in order to reduce the risks of violence. The UN Special Rapporteur on Violence Against Women<sup>13</sup> and the Special Rapporteur on Human Rights and Small Arms<sup>14</sup> emphasized that states which do not adequately regulate firearms are failing to meet their obligations under international law.

## Women are Safer Because of Stronger Gun Laws

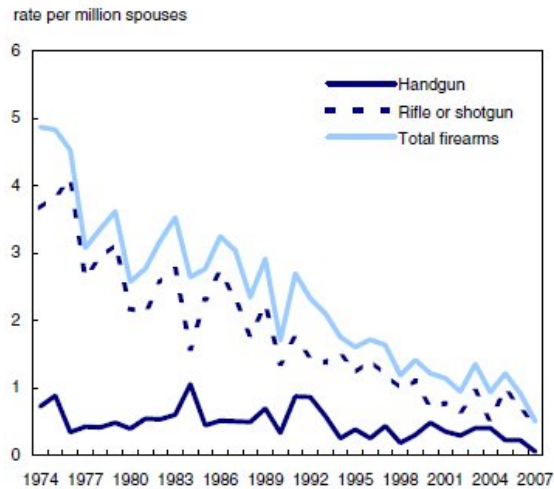
To date there is considerable evidence that strengthening firearm legislation is often of particular benefit to women: in Australia, the United Kingdom and Canada, stronger firearm laws were accompanied by greater decreases in murders of women than in male homicide. Canada's gun law is used by police to remove guns from dangerous people and to investigate crimes. The on-line licensing and registration system also provides police with round-the-clock access to information about the presence of legal firearms when they answer domestic violence calls. In 2009, police officers across Canada consulted the gun registry 11,000 times a day.

In Canada, homicides of women with firearms dropped by over 63 percent with progressive strengthening of gun laws (1991-2005), while murders of women with other means (stabbing, beating etc.) declined by only 38 percent.<sup>15</sup>

### Homicide of women, by type<sup>16</sup>

	1991 <i>Bill C-17 proposes some controls on rifle and shotgun owners</i>	1995 <i>Bill C-68 strengthen controls on rifles and shotguns</i>	2005 <i>Latest year with available data</i>
Murder of women with firearms	85	43	32
Rate per 100,000 of women murdered with firearms	0.3	0.1	0.09
Murder of women without firearms	185	152	115
Rate per 100,000 of women murdered without firearms	0.6	0.5	0.35

### Spousal homicides involving firearms dropped notably between 1974 and 2007<sup>r</sup>



<sup>r</sup> Rates for 1974 to 2006 revised from those published in the report *Family Violence in Canada: A Statistical Profile, 2006*.

Note(s): Rate per 1,000,000 legally married, common-law, separated and divorced spouses, 15 years of age and over, based on estimates provided by Demography Division, Statistics Canada. Six same-sex partners were excluded from the analysis, due to the unavailability of population estimates.

Source(s): Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Firearms were the most frequently used weapon in the commission of spousal homicides between 1974 and 2000, accounting for the death of one in three victims. The latest statistical report published on family violence in Canada has demonstrated that significant decreases have occurred in the use of firearms in spousal and other intimate partner homicides.<sup>17</sup> Since the introduction of the Firearms Act, the rate of firearm-related spousal homicide decreased by two thirds, from 1.7 per million spouses in 1996 to 0.5 per million spouses in 2007. While firearms were used in approximately 40 percent of murders of women in 1989, they now account for under 15 percent<sup>18</sup>, in part due to stricter controls on firearms.

### **Conclusion**

Gun control is not a panacea, but it is intended to reduce the risk that those who present a threat to themselves or others will have access to firearms. Specific measures were considered, when developing Canada's 1995 Firearms Act, to address the particular role of legally-owned firearms in the murder, injury and intimidation of women and children in the home. Although the law has not been fully implemented, there is evidence that it is working and has prevented tragedies. Reducing the threat of firearms in domestic violence requires implementation in the community as well as an integrated approach.

### **Appendix 1**

#### **Support from Women's Organizations**

On a national scale, the Canada's gun control legislation is supported by more than 300 organizations, including more than 100 women's groups and front-line shelters, such as: the Alberta Council of Women's Shelters, the Canadian Federation of University Women, la Fédération des femmes du Québec, Jewish Women International of Canada, METRAC, the Nova Scotia Advisory Council on the Status of Women, the Ontario Association of Interval Houses, and the YWCA of Canada.

#### **Domestic Violence Cases**

The inquest into the killing of Arlene May, who was shot and killed by a former lover with a legally acquired rifle, found that a major flaw in the previous system was that it did not provide easy access to information about who owns guns. Lawyer Marilou McPhedran, of the Order of Canada, a Canadian pioneer on issues of domestic violence was an expert witness on that case and noted "That inquest, like the others before and since, identified dangerous gaps in the existing law. It highlighted the need to license all gun owners. It highlighted the need for continuous eligibility checks. It demonstrated the importance of registration of all firearms." Similarly the coroner's inquest into the 1997 Vernon massacre, where Mark Chahal killed his estranged wife, eight of her relatives, and then himself with a legally acquired gun, also confirmed the importance of licensing and registration as preventative measures. The coroner's report recommended that: "... Long guns be classified as restricted weapons and become registered..." and that the "CPIC provides a database for firearms registrations, peace bonds, restraining orders."

Six separate inquests, including those into the murder of the Kassonde children as well as into the suicide of Jonathan Yeo, who killed Karen Marquis and Nina deVilliers, called for licensing and registration of firearms and made many recommendations to strengthen screening processes and reducing the renewal period. Guns are frequently part of the cycle of intimidation and violence that many victims of domestic violence face in their homes. For every woman who loses her life at the hands of a troubled spouse with a firearm, there are thousands more who live in fear.

#### Other Domestic Violence Cases:

- 1) **In 1999**, Vikki Ferrando, 30, shot by her common-law spouse with his father's rifle "borrowed" after heavy drinking and attempted suicide in Victoria (BC).
- 2) **In April 1999**, Melissa Pajkowski, 21, killed by a boyfriend with access to his father's extensive gun collection despite a history of depression and suicide attempts in Thornhill (ON).
- 3) **In July 2000**, Renee Nina Joynson, 23, shot with a legal gun by an acquaintance who was being treated for depression in St. Catherines (ON).
- 4) **On July 6, 2000**, in Kitchener (ON), Bill Luft, a man with history of mental illness, murdered his wife and four children before taking his own life with a rifle taken from his father, with whom they lived.
- 5) **On Sept. 28, 2003**, in Red Deer (AB), Betty Fekete and her three-year-old son, Alex, were murdered with an unregistered sawed-off shotgun by her estranged husband, Josef, who then killed himself. It was common knowledge that Josef Fekete possessed unregistered guns.
- 6) **On May 20, 2004**, Sherry Heron and her mother Anna Adams were murdered by her estranged husband with a legal gun while in the hospital in Mission (BC). He was under a restraining order at the time. Three days later he shot himself to death as he was about to be arrested.
- 7) **On February 27, 2004**, in Sundre (AB) a man kicked down the door of his wife's new suitor, Richard Radcliff, 40, and killed him instantly with a blast from a 12-gauge shotgun then shot his wife, Nicolette, in the chest before turning the weapon on himself.
- 8) **In 2006**, a man shot his wife before killing himself with a legal shotgun returned to him at the end of a two-year weapon prohibition for domestic assault, in Hermitage (NL).
- 9) **In April 2006**, Francine Mailly and her three children Jessica, Brandon and Kevin were shot by her estranged husband with a .22-calibre rifle in Cumberland (ON). Police had been called to the family home repeatedly.
- 10) **In October 2006**, in Port Coquitlam (BC), Gurjeet Ghuman was shot twice point blank in the head by her estranged husband while she was driving. Gurjeet survived but is now blind. Her estranged husband turned the gun on himself.
- 11) **In October 2006**, Mila Yoynova and her two daughters, Iva, 17, and Alice, 10, were killed by her husband with a legally owned handgun in Beaconsfield (QC).
- 12) **In December 2006**, Stefanie Stevenson was shot with a rifle by her estranged husband who had previously been convicted of uttering threats against her in Brockville (ON).
- 13) **In March 2007**, Lyndon Wiper, 26, mother of one, was shot to death in her home she shared with her daughter and her parents in Leamington (ON). Her ex-boyfriend was later found shot to death in his car in an apparent suicide.
- 14) **In May 2007**, Judy Dickie was shot with a sawed-off .22 calibre rifle in the face and killed by her common-law husband who had a history of domestic violence in Kapawe'no First Nation Reserve (AB) on Oct. 15, 2004.
- 15) **In September 2007**, Kathryn Knudsen was shot to death in broad daylight in the parking lot of a local park in Sarnia (ON) by her boyfriend who committed suicide at the same time.
- 16) **In October 2007**, a 16 years old girl was shot in the head by her 17 years-old ex-boyfriend in Regina (SK), with a stolen rifle and ammunition. The girl lost one eye, the hearing in her right ear, experienced paralysis on one side of her face, some brain damage and had to relearn how to walk, speak, chew and swallow.
- 17) **In November 2008**, 84-year-old Lily Walker was shot by her husband who committed suicide in Red Deer (AB).
- 18) **In February 2009** in Kingston (ON), Nadia Gehl was shot at a bus stop close to her home. Waterloo police apprehended her husband and two of his friends.
- 19) **In July 2009**, Joan Hanson, her daughter Jolene and her nine-year-old granddaughter Misty were shot by her estranged husband who then turned the gun on himself with a rifle at her rural home in northern Alberta. Financial pressure is believed to have been a motive.

- 20) **In September 2009**, Heidi Ferguson was shot by her estranged husband at her Orangeville(ON) home. An avid hunter and gun collector, it is believed that he later turned the gun on himself.
- 21) **In December 2009**, in Saguenay (QC), Marie-Josée Desmeules was fatally shot in head by her husband who committed suicide at the same time.

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<sup>1</sup> GPC Research. 2002. "Fall 2001 Estimate of Firearms in Canada: Report on Findings," Ottawa: Public Policy Forum.

<sup>2</sup> Dansys Consultants Inc., "Domestic homicides involving the use of firearms," Ottawa ON: Department of Justice, 1992.

<sup>3</sup> Doherty, D. & Hornosty, J, "Exploring the Links: Firearms, Family Violence and Animal Abuse in Rural Communities," Fredericton, NB: University of New Brunswick Family Violence on the Farm and in Rural Communities Project, 2007.

<sup>4</sup> Alberta Council of Women's Shelters. *Factum*. Alberta Court of Appeal, July (1997).

<sup>5</sup> L.E. Saltzman, J. A. Mercy, P.W. O'Carroll, M. L. Rosenberg, M.L and P.H. Rhodes, "Weapon Involvement and Injury Outcomes in Family and Intimate Assaults", *Journal of the American Medical Association* 267, 1992, pp. 3043-3047.

<sup>6</sup> J.C. Campbell, D.W. Webster, J. Koziol-McLain, et al., "Risk Factors for Femicide Within Physically Abusive Intimate Relationships: Results from a Multi-site Case Control Study", *American Journal of Public Health* 93, 2003, pp.1089-1097.

<sup>7</sup> Ontario Office of the Chief Coroner (2002), *The Toronto Star*, 1 April 2004, p. A8.

<sup>8</sup> Office of the Chief Coroner Ontario, 2002 (cited Toronto Star, April 1, 2004 A8).

<sup>9</sup> Hemenway D, Shinoda-Tagawa T, Miller M, "Firearm availability and female homicide victimization rates among 25 populous high-income countries," *J Am Med Womens Assoc*, 57:100-4, 2002.

<sup>10</sup> United Nations Commission on Crime Prevention and Criminal Justice (Sixth Session), *Criminal Justice Reform and Strengthening of Legal Institutions Measures to Regulate Firearms*, Resolution L.19 E/CN.15/1997/L.19/Rev.1, 1997.

<sup>11</sup> W. Cukier and V. Sidel, *Global Small Arms Epidemic: From Saturday Night Specials to AK-47s*, New York: Praeger, 2006.

<sup>12</sup> Canada Firearms Center, "2007 Commissioner Report," 2008; Canada Firearms Centre, "Facts and Figures Canadian Firearms Program October-December 2008," January 2009.

<sup>13</sup> United Nations, *Declaration on the Elimination of Violence against Women*, G.A. res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/48/49 (1993).

<sup>14</sup> Barbara Frey, *The Question of the Trade, Carrying and Use of Small Arms and Light Weapons in the Context of Human Rights and Humanitarian Norms*, Working Paper submitted in accordance with Sub-Commission decisions 2001/120, 2002.

<sup>15</sup> V.P. Bunge, "National Trends in Intimate Partner Homicides, 1974-2000", *Juristat: Canadian Centre for Justice Statistics*, Statistics Canada 22, 5, 2002.

<sup>16</sup> Kwing Hung, "Firearms Statistics Updated Tables," January 2006; Statistics Canada, "Mortality, Summary List of Causes", 2005.

<sup>17</sup> Statistics Canada, "Family violence in Canada, a statistical profile," 2009.

<sup>18</sup> K. Hung, "Firearms Statistics: Updated Tables," Ottawa, ON: Department of Justice: Research and Statistics Division, January 2005; Statistics Canada, "Mortality, Summary List of Causes", 2005.