

Signatories:

- ❖ Provincial Association of Transition Houses and Services of Saskatchewan (PATHS)
- ❖ National Association of Women and the Law (NAWL)
- ❖ YWCA Canada
- ❖ Barbara Schlifer Commemorative Clinic
- ❖ Y des femmes de Montréal
- ❖ Centre des femmes de Montréal
- ❖ À Tire-d'Aile CALACS (Centre d'aide et de lutte contre les agressions à caractère sexuel)
- ❖ Centre des femmes de Longueuil
- ❖ Réseau des tables régionales de groupes de femmes du Québec
- ❖ Fédération des maisons d'hébergement pour femmes (QC)
- ❖ Table de concertation en violence conjugale et agressions à caractère sexuel de Laval
- ❖ Action ontarienne contre la violence faite aux femmes
- ❖ Canadian Network of Women's Shelter & Transition Houses
- ❖ Maison des femmes des Bois-Francs
- ❖ Centre-Femmes aux Plurielles (QC)
- ❖ La Méridienne, maison d'aide et d'hébergement pour femmes victimes de violence conjugale (QC)
- ❖ Table de concertation de Laval en condition féminine
- ❖ Alexandre Boulerice, NDP MP (Rosemont-La Petite-Patrie)
- ❖ Coalition pour le contrôle des armes
- ❖ Fédération des femmes du Québec
- ❖ Alberta Council of Women's Shelter
- ❖ Heidi Rathjen and Nathalie Provost, PolySeSouvient
- ❖ Service d'entraide Passerelle (QC)
- ❖ Centre des femmes de Saint-Laurent
- ❖ Conseil d'intervention pour l'accès des femmes au travail du Québec (CIAFT)
- ❖ Centre de solidarité lesbienne (QC)
- ❖ Cercles des fermières du Québec
- ❖ L'R des centres de femmes du Québec
- ❖ Table de concertation du mouvement des femmes de la Mauricie (TCMFM)
- ❖ Carrefour pour Elle (QC)
- ❖ Centre d'aide et de lutte contre les agressions à caractère sexuel (CALACS) du KRTB
- ❖ Regroupement des maisons pour femmes victimes de violence conjugale (QC)
- ❖ Regroupement québécois des centres d'aide et de lutte contre les agressions à caractère sexuel (RQCALACS)
- ❖ Femmes du monde à Côte-des-Neiges (QC)
- ❖ Leslie M. Tutty (Professor Emerita)
- ❖ Association féminine d'éducation et d'action sociale (QC)
- ❖ Maison d'hébergement l'Équinox
- ❖ Maison d'hébergement Hina
- ❖ CALACS Châteauguay

Joint Brief: The Impact of Bill C-42 on Women's Safety

Brief to the
Standing Committee on Public Safety and National Security

May 2015

Overview

Since 2012, the federal government has introduced major changes that weaken firearms legislation. In response to these changes, leading injury prevention, public health, and public safety experts, as well as women's safety groups, have flagged the risks to public safety that arise. The amendments proposed in Bill C-42 would put Canadians' lives at further risk. This bill weakens controls and would make it easier for legal guns to be diverted to illegal markets. These measures increase the risk of gun-related domestic violence and suicide, particularly youth suicide, and could result in an increased number of gun deaths.

The changes brought about by Bill C-42 include:

- The addition of an automatic renewal period for licenses;
- The merging of the current two types of licenses into one (Possession-Only Licence – POL, Possession and Acquisition Licence – PAL), which would dilute screening requirements for risk factors, such as violence and psychiatric disorders, and weaken ex-spouse notification requirements;
- The weakening of the powers of provincial Chief Firearms Officers to restrict licenses, thus removing any scope at the provincial level to adapt regulations to local issues and conditions;
- The elimination of restrictions on the transportation of handguns and other restricted firearms;
- The lack of mandatory verification of a buyer's licence when purchasing a gun, and no requirement for dealers to maintain records of sale.

Firearms and Violence Against Women in Canada

Firearms figure prominently in domestic violence and access to firearms is a top risk factor. Every year in Canada, more than 100,000 women and children leave their homes to seek safety in a shelter. Firearms figure prominently in many of these cases, as guns are used for intimidation, control, assaults and homicide. Studies and coroner inquests have shown that rates of homicide in domestic violence situations increase significantly when there is a firearm in the home. Indeed access to a firearm is one of the leading predictors that a victim of domestic violence will be killed. Rates of murders of women generally and domestic homicide in particular are higher in rural areas and in Canada are correlated with rates of firearm ownership. "Long guns" – rifles and shotguns – are the guns most likely to be used in domestic violence situations.

Women's safety experts and front line women's organizations including – the Barbra Schlifer Commemorative Clinic, the Y des femmes Montreal, the Ottawa Coalition to End Violence Against Women (OCTEVAW), the Alberta Council of Women's Shelters, the Vancouver Rape Relief and Women's Shelter, the Institute for International Women's Rights, the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre, the Transition House Association of Nova Scotia, the PEI Family Violence Prevention Services, the Provincial Association of Transition Houses and Services of Saskatchewan (PATHS) and the Yukon Status of Women Council have repeatedly testified about the importance of effective firearms control for women at risk of domestic violence. Improvements to the Firearms Acquisition Certificate, introduced with Bill C-17, (1991) and (1991) and the screening, licensing and registration provisions in Bill C-68 were introduced after extensive consultation with women's organizations, public health professionals and experts on preventing violence against women. While there were compromises made – for example, the introduction of the Possession Only License (POL) which had minimal screening and no verification by references – measures in the legislation included provisions aimed at addressing risk factors for domestic violence, suicide as well as crime and unintentional injury.

- 88% of Canadian women killed with guns are killed with a shotgun or rifle, the very guns that opponents of the law say are not the cause of gun violence;
- Access to guns is the fifth highest of 18 risk factors in spousal homicides;
- Inquests into domestic violence (Kassonde children, Arlene May, Vernon massacre) revealed flaws in old law and recommended the changes found in current law: better screening of applicant through detailed questions, two references, and spousal notification. Important information is not contained in police databases;

- 50% of family homicides end in the suicide of the murderer, indicating that the key to protecting women and children is thorough screening in licensing and licence renewals for gun owners; 80% of the gun deaths in Canada are suicides, most using a rifle or shotgun that was readily accessible;
- Although opposition to gun control is stronger where rates of gun ownership are higher (particularly in rural and western communities), women and children are particularly at risk from guns in the home in these areas;
- In Ontario alone 55 per cent of the perpetrators of domestic violence have access to guns.

Patterns of homicides with firearms compared to homicides without firearms for women are significantly different than the patterns of homicides with firearms compared to homicides without firearms for men. In the case of women, we have seen a significant decline in the number and rate of homicides with firearms compared to homicides without firearms when we compare the periods before and after the legislation was implemented. Specifically, while the average rate of women murdered by firearm has reduced by 46% for the 10 year period before and after the *Firearms Act* was implemented (from 0.37 per 100,000 females to 0.20 per 100,000 females), the average rate of women murdered without a firearm for the same period declined only by 25% (from 1.13 per 100,000 females to 0.85 per 100,000 females).

There was a 22% difference between the changes in homicide of women with and without firearms. In contrast, for the same periods, there were limited differences (<1%) between the changes in homicide of men with and without firearms. The average rate of homicide of men committed with firearms declined by 10% from 1.05 per 100,000 males to 0.94 per 100,000 males, while those committed by other means declined by 10%, from 1.89 per 100,000 males to 1.71 per 100,000 males.¹ More than two-thirds of police-reported family violence victims were female and women aged 30 to 34 experienced higher rates of police-reported family violence than any other age group, male or female.² Statistics Canada reported, in 2011, that female victims of spousal violence are more likely to be shot than male victims (26% versus 11%). However, since most domestic violence is ongoing and nonfatal, firearms are used in non-lethal ways (intimidating, threatening, coercing, and generally terrorizing women) in abusive relationships.³

In contrast, Bill C-42 has been developed in response to demands by gun owners with little attention to the concerns of violence prevention experts or the potential unintended consequences to public safety. Gender analysis of public opinion consistently shows that women remain concerned about gun violence and supporters of stronger controls.

Proposed Changes to the Law: Bill C-42 changes to licensing

The proposed changes weaken licensing. This change affects licences for all categories of firearms including for the possession of restricted and prohibited firearms. Bill C-42 includes provisions which weaken controls on restricted firearms including handguns.

1. Combining Possession and Acquisition License (PAL), the Possession Only License (POL)

Currently, there are three kinds of individual Firearms Licenses, the Possession and Acquisition License (PAL), the Possession Only License (POL) and the Minor's License. This Bill seeks to combine the POL and the PAL ostensible to simplify the system but has the effect of weakening controls by giving individuals who have never been thoroughly screened or vetted for risk factors the opportunity to purchase as many unrestricted rifles and shotguns as they wish. In 2001, Possession Only Licenses were originally given to firearms owners that possessed firearms but did not wish to acquire more. They were exempted from the Canada Firearms Safety

¹ Hung, K. Firearms Statistics Updated Tables. Research and Statistics Division. Department of Justice Canada. 2006. 44 p. Table 12 Gender of Victims of Firearms Homicide, 1974-2004 (Statistics Canada: Homicide Survey unpublished tables).; Perreaut, S. Homicide in Canada, 2011. Component of Statistics Canada catalogue no. 85-002-X Juristat. Canadian Centre for Justice Statistics. 2012. 36 p. Table 7, Homicide victims and accused persons, by sex, Canada, 2001 to 2011.; Statistics Canada. Description for Chart 8. Homicides by sex of victim, Canada, 1981 to 2011; Table 253-003 Homicide survey, victims and persons accused of homicide, by age group and sex (males/females), Canada (CANSIM).; Statistics Canada. Homicide survey. Victims of firearm-related homicides by type and gender, Canada, 1985-2011. (Statistics Canada: custom table)

² Statistics Canada, 2013. Family violence in Canada. Online: <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14114-eng.pdf>

³ Peter Jaffe, Ph.D., C.Psych. The Canadian Firearms Registry and Violence Against Women, Report for: Cavaluzzo Hayes Shilton McIntyre & Cornish LLP.

Course at that time and references were not required to verify their answers to questions aimed at assessing the risk of violence or suicide. Giving 1 million Possession Only Licence (POL) holders the opportunity to acquire guns without additional screening or verification, particularly in a context where no record is kept of gun sales and there is no registry poses a risk to public safety on several levels. Studies of the firearms law and recent inquiries, including the latest RCMP evaluation of Canadian Firearms Program in 2010, have argued that we need MORE screening of gun owners not less. The RCMP reported in its 2010 evaluation report that to-date more than 22,000 people have been denied the privilege of a license.⁴ In addition, there is evidence that added levels of rigour to screening processes, for example in the province of Quebec, are one factor accounting for lower rates of firearms injury and death. Based on our review of the evidence, merging POL and PAL licences without requiring rigorous screening poses a risk to public safety.

2. Automatic Renewal of License and Amnesty

This change affects licences **for all categories of firearms** including for the possession of restricted and prohibited firearms. The license renewal process is essential to allow for regular re-screening for risk factors of violence and suicide that are not in police databases, and to thus reducing the chance that dangerous people have access to guns. For example, a substantial proportion of individuals who kill their partners have treatment history of violence that may not be recorded in police databases but is known in the community. Violence risk factors also include recent relationship breakup, history of mental illness or substance abuse. The screening processes were designed to address these factors by requiring references to confirm that they are not aware of any risk factors and to allow for further investigation if there is reason to believe the applicant may pose a threat to themselves or any other person.

Given the elimination of registration of rifles and shotguns, the elimination of point of sale records of firearms sales and the destruction of the registry data, a valid firearms licence is the only information with which the police can determine that an individual may own non-restricted guns. The proposed six month amnesty would lead to further degradation of the CFRO data on all licensed gun owners - particularly the addresses of firearms owners - putting police officers, family members and the public at risk. In the 2007 killing of Laval Police officer Daniel Tessier during a home raid, the media reported that the owner of the legal handgun had not reported his change of address. The Auditor General noted the need to improve the integrity of the data and recommended in section 4.64 of the chapter entitled "Data quality needs to be addressed" of its 2006 audit that: "*Canada Firearms Centre should ensure that its new information system will be able to provide management with the performance information it needs to run the Canadian Firearms Registry*". This change would also hamper police investigations and in some cases prevent prosecution.

3. Provisions weakening the powers of the Chief Firearms Officers (CFO)

CFOs are responsible for the decision-making and administrative work related to licences, authorizations to transport and authorizations to carry, transfers of firearms by individuals and businesses, and record keeping.⁵ By reducing the powers of the Chief Firearms Officers, the federal government may make it difficult for provinces to adapt the national firearms program to better reflect local priorities as they can do now. Examples of measures that could be affected include licence screening, inspection of gun collections and businesses, range construction standards, etc. The language of the legislation was intended to provide wide reaching discretionary powers if in the opinion of the CFO it was not in the interests of the safety of the individual or any other person that the license be issued. There were ample opportunities for appeal but given that firearms ownership is not a right in Canada, the burden of proof was deliberately placed on the applicant for the firearms license (or renewal) to demonstrate that they did not pose a threat. Additionally, the CFO was given the discretion to respond to local needs and norms.

4. Prohibition Orders

One of the important measures introduced in 1995 was the registration of all firearms. This was explicitly added to ensure enforcement of licensing provisions, to support enforcement of safe storage and to support the enforcement of prohibition orders as well as investigations generally. While there are a wide range of grounds for issuing firearms prohibitions under existing law (e.g. violence against a person was used, threatened or attempted and for which the person may be sentenced to imprisonment for ten years or more) there have been

⁴ RCMP, 2010. Canadian Firearms Program Evaluation. Online: <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/index-eng.htm>

⁵ RCMP, 2015. Chief Firearms Officers. Online: <http://www.rcmp-grc.gc.ca/cfp-pcaf/cfo-caf/index-eng.htm>

major problems in enforcing these orders particularly in emergency situations where there is insufficient time to obtain and execute a search warrant. Police reported multiple situations where they were called to domestic violence situations where guns were present but they had no idea of how many guns or the type that were on site. Another challenge with prohibition orders was the time between the issuing of the order and its execution. Arlene May was tragically killed when her intimate partner, Randy Joseph, who was prohibited from owning firearms and ordered to surrender them, bought a new gun and killed her. Existing legislation provides a range of crimes for which a prohibition order should be issued. We need more data in order to assess the value of mandatory prohibition orders (particularly in light of recent jurisprudence). Our assessment is more resources devoted to prevention and to enforcement of prohibition orders should be the first priority.

Recommendations

Based on our analysis, we do not support the provisions contained in Bill C-42. Rather we believe the Government should be focused on proven measures to strengthen controls over firearms and to reduce the risk to women and children of domestic violence. To this end we support some of the recommendations contained in the *RCMP Canadian Firearms Program: Program Evaluation*.⁶

General measures to strengthen the licensing process

For individuals wanting to renew a POL or to convert to a PAL:

- Require references to confirm the information entered in the screening questions
- Include spousal notification which requires applicants to provide contact information for current or previous (past 2 years) spouses or common-law partners, as well as their signature. The purpose of this provision is to notify the spouse of an individual's intent to acquire a firearm. Spousal consent is not required for acquisition, however if a spouse has concerns it will trigger a secondary review of the application.
- Require to complete the training program or pass the challenge. The PAL firearms training program includes safe handling of firearms but also a range of objectives related to awareness of suicide, domestic violence and unintentional injury. Given the risks associated with firearms, knowledge of the laws and the risks are critically important.

When looking at the profile of recent domestic violence perpetrators and suicide victims, one would see that many of them have had their firearms without incident for 15 years or more. While the current system allows for "continuous eligibility screening" through police reported incidents, it does not address many risk factors for domestic violence and suicide. The screening questions **verified by references**, are critical. **Public safety experts have always been clear that gun owners must be screened frequently for risk factors of suicide and domestic violence, and setting the renewals of the gun permit at five years was already a compromise.**

End the optional license verification

Restore the mandatory verification of license instead of the current having "no reason to believe" that a person is not authorized to possess that type of weapon that was removed by Bill C-19 (2012). While selling guns to an unlicensed person remains illegal, the ability for courts to hold them to account for the crime is now be greatly diminished. Thousands of private sales of guns happen across Canada between friends and acquaintances, through online sales or other means. Not all of these sellers will feel comfortable asking for proof of license status without being required to do so or will know how to detect a fraudulent license. Depression and domestic violence is still considered by too many to be a 'private matter.' A gun dealer will not know what a regular customer does between visits to his store. Individuals selling their guns may not know what is going on behind closed doors in the house down the street. They may feel uncomfortable asking questions of an acquaintance in a troubled relationship. They might think he is a good person who would never go that far.

Examine the impact of the elimination of registration on enforcement of licensing and prohibition orders and explore alternatives

Registration reinforces licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners. That link between licensing of firearm owners and the

⁶ RCMP, 2010. Canadian Firearms Program Evaluation. Online: <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/index-eng.htm>

registration of their firearms was affirmed by the Supreme Court of Canada in a unanimous decision on the constitutionality of the Firearms Act in 2000. Firearm registration allows firearms to be traced to their legal owners. As a consequence it increases accountability and discourages legal gun owners from giving their guns to unlicensed individuals or storing them carelessly. The elimination of registration, the destruction of the registry records on 7 million rifles and shotguns and the elimination of the records of firearms sales (in place since 1977) has eroded the mechanisms in place to reduce the risk legal firearms will be misused or diverted to illegal markets. Registration also helps enforce prohibition orders by providing information about the firearms police should remove. Physicians, crisis workers and police have provided anecdotal evidence of specific cases where the registry was useful in removing firearms from potentially deadly situations. Without information about who owns guns and what guns they own, we cannot prevent dangerous people from getting access to guns.

In addition, more resources must be provided to thoroughly vet firearm license applicants including more community checks and support for implementation of the law. Also, more resources must be provided to raise awareness of the risks of access to firearms in the context of domestic violence among first responders, health care professionals and front line shelter workers. Ensure that questions about access to firearms are part of all risk assessment protocols and that staff are aware of the procedures to lawfully and safely remove firearms from situations where there is a potential risk.

Signatories of the joint brief

NATIONAL ORGANIZATIONS

Paulette Senior
CEO
YWCA Canada

Lise Martin
Executive Director
**Canadian Network of Women's Shelter
& Transition Houses**

**National Association of Women and the Law
(NAWL)**

Wendy Cukier
President
Coalition for Gun Control

PROVINCIAL / COMMUNITY ORGANIZATIONS

Jo-Anne Dusel
Provincial Coordinator
**Provincial Association of Transition Houses
and Services of Saskatchewan (PATHS)**
Regina, SK

Alexa Conradi
President
Fédérations des femmes du Québec
Montreal, QC

Manon Monastesse
Executive Director
**Fédération des maisons d'hébergement
pour femmes**
Montreal, QC

Madeleine Dagenais
Executive Director
**Action ontarienne contre la violence faite
aux femmes**
Ottawa, ON

Marie-Christine Plante
Head of Awareness and Concertation
Carrefour pour Elle
Longueuil, QC

Carolle Mathieu
CEO
L'R des centres de femmes du Québec
Montreal, QC

Danielle Hébert
CEO
**Conseil d'intervention pour l'accès des
femmes au travail (CIAFT)**
Montreal, QC

Amanda Dale
Executive Director
Barbara Schlifer Commemorative Clinic
Toronto, ON

Hélène Lépine
CEO
Y des femmes de Montréal
Montreal, QC

Johanne Bélisle
Director
Centre des femmes de Montréal
Montreal, QC

Sylvie Langlais
President
**Regroupement des maisons pour femmes
victimes de violence conjugale**
Montreal, QC

Suzie Bordeleau
Acting Coordinator
Centre de solidarité lesbienne
Montreal, QC

Malika Rahmani
Executive Director
Centre des femmes de Saint-Laurent
Montreal, QC

Louise Lagarde
Provincial CEO
Cercles de Fermières du Québec
Longueuil, QC

Joane Blais
Executive Director
Table de concertation du mouvement des femmes de la Mauricie (TCMFM)
Trois-Rivières, QC

Blanche Paradis
Administrator and Coordinator
Réseau des tables régionales de groupes de femmes du Québec
Saint-Jérôme, QC

Marie Josèphe Pigeon
Executive Director
Service d'Entraide Passerelle (SEP)
Montreal, QC

Heidi Rathjen and Nathalie Provost
PolySeSouvient
Montreal, QC

Alberta Council of Women's Shelter
Edmonton, AB

Centre d'Aide et de lutte contre les agressions à caractère sexuel (CALACS) du KRTB
Rivière du Loup, QC

Femmes du monde à Côte-des-Neiges
Montreal, QC

Centre-Femmes aux Plurielles
La Malbaie, QC

La Méridienne, maison d'aide et d'hébergement pour femmes victimes de violences conjugales
Weedon, QC

Table de concertation de Laval en condition féminine
Laval, QC

FEDERAL MEMBER OF PARLIAMENT

Alexandre Boulerice
NDP MP (Rosemont-La Petite-Patrie)
Montreal, QC

Pascale Brosseau
Coordinator
À Tire-d'Aile CALACS (Centre d'aide et de lutte contre les agressions à caractère sexuel)
Lévis, QC

Diane Guay
Executive Director
Centre des Femmes de Longueuil
Longueuil, QC

Mélanie Guénette
Coordinator
Table de concertation en violence conjugale et agressions à caractère sexuel de Laval
Laval, QC

Leslie M. Tutty, PhD
Professor Emerita
Faculty of Social Work, University of Calgary
Calgary, AB

Centre d'Aide et de lutte contre les agressions à caractère sexuel (CALACS) de Châteauguay
Châteauguay, QC

Regroupement québécois des centres d'aide et de lutte contre les agressions à caractère sexuel (RQCALACS)
Montreal, QC

Maison des femmes des Bois-Francs
Victoriaville, QC

Association féminine d'éducation et d'action sociale (AFEAS)
Montreal, QC

Maison Hina (women's shelter)
Saint-Jean-sur-Richelieu, QC

Maison d'Hébergement l'Équinoxe (women's shelter)
Ville-Marie, QC