



Canadian Federation of University Women
Fédération Canadienne des Femmes Diplômées des Universités

305 – 251 Bank Street, Ottawa, Ontario, K2P 1X3
Telephone: (613) 234-8252 Fax: (613) 234-8221
www.cfuw.org; E-mail: cfuwgen@rogers.com

BRIEF TO THE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
Bill C-19: An Act to amend the Criminal Code and the Firearms Act
(Ending the Long-Gun Registry Act)
March 14, 2012

Summary

The Canadian Federation of University Women (CFUW) calls on Committee members to oppose Bill C-19. This Bill, if passed, would eliminate a valuable public safety tool that protects women from gun related violence. At the very least, sections 29 (1), (2) and (3), which call for the destruction of the long gun registry records should be removed. Furthermore, section 23 (1) should be amended to require that a transferor verify the validity of the transferee's Firearms Licence with the Canada Firearms Centre, and obtains a reference number for the inquiry.

We thank the committee for this opportunity to present our views on behalf of our close to 10,000 members across Canada.

Gun Control has Improved Women's Safety:

When assessing this bill, the committee must take into consideration the fact that women are disproportionately affected by violence in relationships. Women are several times more likely to experience such violence, especially choking, threats with a weapon and sexual assault.¹ The Homicide Survey by Statistics Canada and the Canadian Centre for Justice Statistics shows that there were 581 female spousal homicide victims from 2000 to 2009 inclusive: 3.7 times the total number of male spousal homicide victims (157), for 79% of the total and an average of 60 a year.²

Even now, about 25% of all the female spousal victims since 2000 were killed by firearms,³ but that is down substantially from previous decades – 40% between 1978 to 1997.⁴ Since 1974, relatively few firearms-related domestic homicides have been perpetrated by means of handguns. Long guns, however, have been the weapon of choice in far more crimes of passion and domestic homicides: ranging from a high of four per million spouses in 1974 to 0.5 per million spouses in 2007 (see Figure):

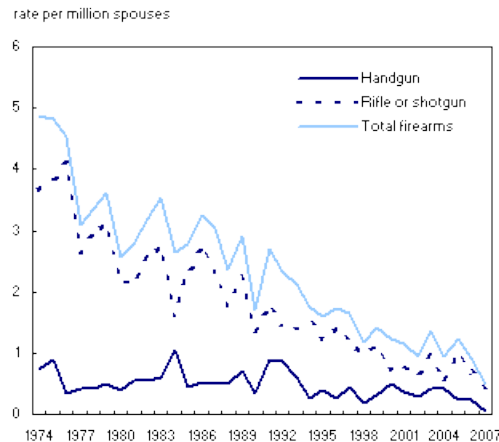
¹ Statistics Canada, *Women in Canada: A Gender-based Statistical Report*, 2011.

² Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey. *Family Violence in Canada: A Statistical Profile*, 2010, Table 4.4 www.statcan.gc.ca/pub/85-224-x/2010000/t024-eng.htm

³ *Ibid.*, 149 of the 581 female spousal victims in Canada between 2000 and 2009 were shot to death (25.6%).

⁴ Statistics Canada, *Family Violence in Canada: A Statistical Profile*, 1999, Table 5.3, www.statcan.gc.ca/pub/85-224-x/85-224-x1999000-eng.pdf

Rate of spousal homicides involving firearms in Canada 1974-2007, by major type⁵



The 2009 Statistics Canada *Family Violence Report* also shows that firearm-related spousal homicide has decreased **three-fold** over the past decade, from 1.7 per million spouses in 1996 to 0.5 per million spouses in 2007; in absolute terms, there were **27** firearm-related spousal homicides in 1996 compared to **9** in 2007.⁶ Thanks to the implementation of stronger gun control, including the long gun registry, the spousal homicide rate has dropped to the lowest it's been in 30 years. Further, in the past, long guns were used in about 60 percent of *all* homicides (not just domestic),⁷ but with the advent of a number of gun control regulations in the 1990s, that dropped to 36.5 percent in the 1990s, to 22.2 percent in the 2000s – almost a third of what it used to be.⁸

Dismantling the gun registry will compromise women's *Charter* rights

Section 7 of the *Canadian Charter of Rights and Freedoms* safeguards the fundamental right of women in Canada to life, liberty and security of the person, and Section 15 of the *Charter* guarantees women the right to equal protection and equal benefit of the law. In affirming the constitutional validity of federal gun control legislation in *Reference re Firearms Act (Can.)*, [2000] 1 S.C.R. 783, the Supreme Court of Canada concluded that:

“The licensing provisions require everyone who possesses a gun to be licensed; the registration provisions require all guns to be registered. These portions of the *Firearms Act* are both tightly linked to Parliament's goal of promoting safety by reducing the misuse of any and all firearms. Both portions are integral and necessary to the operation of the scheme.”

⁵ *Ibid.*, Chart 5.3, www.statcan.gc.ca/pub/85-224-x/2009000/ct015-eng.htm

⁶ *Ibid.*, www.statcan.gc.ca/pub/85-224-x/2009000/part-partie5-eng.htm

⁷ K. Hung, in “Firearms Statistics: Updated Tables,” Ottawa, ON: Department of Justice: Research and Statistics Division, January 2005, www.justice.gc.ca/eng/pi/rs/rep-rap/2006/rr06_2/t11.html

⁸ Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey, *ibid.*, and *Homicide in Canada, 2010*, Table 5: www.statcan.gc.ca/pub/85-002-x/2011001/article/11561/tbl/tbl05-eng.htm

The *Firearms Act* was adopted by Parliament, following the 1989 Montreal Massacre, as one means of addressing the systemic problem of violence against women in Canada. As the statistics set out above demonstrate, women in Canada remain disproportionately vulnerable to firearm-related spousal violence and to firearm-related spousal homicide. Failure to take into account the gendered impact of *Bill C-19* and the dismantling the gun registry reflects profound disregard for women's rights to life, liberty and security of the person, and equality, and amounts to a clear violation of women's *Charter* rights.

The Registry provides an invaluable tool for police:

Police officers use the Gun Registry. In the 2008 Commissioner of Firearms Report, the RCMP states that the Registry provides police officers with up-to-date firearms information and warns them when firearms may be present at a location.⁹

Between January and September 2011, the Canadian Firearms Registry On-line (which includes both long guns and other types of guns such as handguns, all integrated together) was consulted over three million times by police.¹⁰ This information aids in police investigations, and provides necessary information for police to remove weapons from dangerous individuals (e.g. someone who has had their license revoked but still has a firearm in their possession).

Past-RCMP Commissioner William J.S. Elliott has said; "On an international level, the CFP [the RCMP Canadian Firearms Program, of which the Registry is a facet] now sets a standard ...and other countries have chosen to emulate it."¹¹

Destruction of the long gun registry records will compromise the ability of provinces, territories and municipalities to protect public safety:

Public Safety is a shared responsibility between the federal, provincial, territorial and municipal governments.¹² Thanks to the national long gun registry, other levels of government have been able to better protect the public safety of their residents. The provinces and territories have also contributed to building the long gun registry.

The data collected for the long gun registry could still be useful as an investigative tool for police officers to trace firearms recovered from crime scenes or seized from suspected criminals, including registered guns that were stolen from the original owners. The justice system will also be deprived of its usefulness and cost-effectiveness in prosecuting gun-related crime involving non-restricted weapons, by proving that the guns belonged to the accused or

⁹ RCMP, *Commissioner of Firearms - 2008 Report* www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2008-comm-rpt/index-eng.htm

¹⁰ Canadian Firearms Program, "Facts and Figures (July - September 2011)," www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/index-eng.htm

¹¹ RCMP, *Commissioner of Firearms - 2008 Report* www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2008-comm-rpt/index-eng.htm

¹² Public Safety Canada, "Federal and provincial responsibilities," 2009.

www.publicsafety.gc.ca/prg/cor/acc/ifpr-eng.aspx

someone else implicated in a crime, or that they belonged to someone else and the accused were not permitted to use them. Between 2003 and 2008, for example, the gun registry provided nearly 18,000 affidavits to court trials to support the prosecution of gun-related crime.¹³

Further, if the national registry is abolished, provincial and territorial governments could significantly benefit from access to the records relevant to their respective territories, as they may wish to establish their own long gun registries in the future. Destroying the long gun registry records is both unnecessary and wasteful.

Verification of Licence Validity

By removing the requirement to verify the validity of Firearms Licences upon transfer of non-restricted firearms, Bill C-19 will be further putting public safety at risk. The 1998 coroner's inquest into the killing of Arlene May, who was shot and killed with a legally acquired rifle, found this to be a major flaw in Canada's gun controls at that time.¹⁴

While May's former lover's gun licence was cancelled following a prohibition order, it was not removed from his possession. Without mandatory firearms licence checks, this meant that he was still able to purchase a firearm legally with his cancelled licence.¹⁵ Verifying the validity of Firearms Licences upon transfer of non-restricted firearms is essential to ensure that individuals under prohibition orders, and individuals whose licence has been revoked, do not have the ability to purchase firearms. Further, as with other types of identification cards, Firearms Licences can be counterfeited and removing these safety checks will make it possible for someone with a fake licence to acquire legal firearms.

Recommendations

CFUW recommends that the Standing Committee on Public Safety and National Security oppose Bill C-19.

In the event that members of this Committee support this Bill:

1. We strongly recommend that the Committee amend it as follows:
 - a) remove sections 29 (1), (2), and (3);

¹³ RCMP, *Canadian Firearms Program Evaluation* (2010), at Finding 2 <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/pg6-2-eng.htm> and www.rcmp-grc.gc.ca/pubs/fire-feu-eval/pg10-6-eng.htm ; and RCMP, Canadian Firearms Program. (2009) *Commissioner of Firearms 2008 Report*, "Supporting Law Enforcement," www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2008-comm-rpt/sec4-eng.htm

¹⁴ Arlene May - Coroner's Inquest: Jury's Verdict and Recommendations, from the Inquest into the deaths of Arlene May and Randy Iles, February 16 - July 2, 1998 (Coroners Courts, Toronto, Ontario, July 1998); online at www.owjn.org/archive/arlene3.htm

¹⁵ *Ibid.*

- b) add to section 23 (1) “the mandatory requirement that a transferor verify the validity of the transferee’s Firearms Licence with the Canada Firearms Centre and obtain a reference number for the inquiry.”
2. The Public Safety department should undertake additional communications efforts to remind those who may be confused and think that repealing the gun registry also eliminates licensing.
 3. While the current system allows for “continuous eligibility screening” through police reported incidents, it does not get at the root of domestic violence and suicide risk factors. The screening questions that are asked to obtain and renew firearms licence, and are 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. The Minister of Public Safety has announced that it has allocated more funds for the screening of restricted licence applicants. **Given the risk factors associated with firearms possession, there is an important need to extend the screening to all new applicants, including to those who apply for a permit to use non-restricted firearms, and when licences are renewed.**

CFUW is a non-partisan, voluntary, self-funded organization of close to 10,000 women university graduates, students and Associate Members in 112 Clubs across Canada that works to improve the status of women and human rights, education, social, justice, and peace. CFUW holds special consultative status with the United Nations (ECOSOC) Commission on the Status of Women and belongs to the Education Sector of the Canadian Commission to UNESCO. CFUW is the largest of the 79 affiliates of the International Federation of University Women (IFUW).