



**INCREASING the RISK for WOMEN and CHILDREN  
Family Violence and Loosening Gun Controls in Canada**

**YWCA Canada  
Brief to the Standing Senate Committee on Legal and Constitutional Affairs**

**March 27, 2012**

**[www.ywcacanada.ca](http://www.ywcacanada.ca)**

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## **INCREASING the RISK**

### **Family Violence and Loosening Gun Controls in Canada**

“...we should not be diverted, here, from the most important point. This is about public safety. The registry has made Canada a safer country. The registry has saved lives. We lose it at our peril.”

**Chief William Blair, as President,  
Canadian Association of Chiefs of Police**

#### **Preserving a Public Safety Measure**

YWCA Canada is this country's largest provider of shelter to women and children fleeing violence, and a longtime advocate for the safety and the rights of women and girls. As the nation's oldest women's services organization – we celebrated our 140<sup>th</sup> anniversary in 2010 – we advise the Senate Committee in the strongest possible terms that the provisions of Bill C-19 are not in the best interests of women and children dealing with violence.

As expected, Bill C-19 will dismantle the non-restricted firearms registry; that it will also remove mandatory licence verification before gun sales and the obligation for gun dealers to keep records of sale is a complete surprise to anyone who has followed the federal government's public messages on this issue. The added lifting of these simple yet critical safeguards will make it harder for the RCMP and other police to remove weapons from men who have been identified as posing a threat to their families or themselves, and easier for those same people to purchase long guns and rifles with falsified or invalid licences.

Each year, more than 100,000 women and children leave their homes in Canada for the safety of a shelter. Many of them come through the doors of the 31 shelters operated by our local YWCAs looking for safety, a roof over their heads and support. Our member associations operate shelters in Canada's larger cities and in smaller centres, serving rural populations like Sudbury, Brandon, Prince Albert, Lethbridge, Peterborough, Saskatoon, Yellowknife and Iqaluit, where shot guns and rifles are part of the culture. These local YWCAs are opposed to dismantling the long-gun registry as a safety issue for women and children in their communities. They are keenly aware that the RCMP check the registry every time before responding to a domestic violence call and that the registry is used as a tool to remove weapons from people who have been identified as at risk of causing harm.

It is very disturbing that the public discourse on loosening gun control, as promoted by advocates for Bill C-19, now includes spreading the notion that women should carry concealed hand guns in order to be safe from rape. This message suggests that a Canada in which women and girls are not safe unless they are armed is a better country. We disagree.

## **Mandatory Licensing Verification – Keeping Guns Out of the Hands of Dangerous Individuals**

Under the current rules, anyone wishing to sell a gun must ensure that the person to whom they are selling holds a valid licence. This is a common sense precaution that creates an obligation on behalf of the seller to ensure the buyer is licensed, and reduces the ability of people who have had their licence revoked for public safety reasons to purchase firearms. Removing this provision will put all Canadians, but in particular women and children, at further risk of gun violence.

Canada instituted thorough background checks before obtaining a licence as a means to keep firearms out of the hands of dangerous and violent individuals. According to the RCMP, between 2005 and 2011 – a period when the long gun registry was integrated into police work in Canada and police use of the online registry climbed dramatically - more than 15,000 people were either refused a licence (2,723 applicants) or had their firearms licence revoked (12, 247 people). In addition, registration certificates related to 1,100,481 firearms were revoked. *Many of these instances came after incidents of domestic violence, which is why these changes will directly increase the risk for women and children facing family violence.* These changes to the Firearms Act will make it easier for people to get around a licence revocation and purchase guns despite being prohibited from doing so.

### **A Reason to Believe**

By replacing language requiring mandatory licence verification by sellers with wording that states a seller merely has to have “no reason to believe” that a person is not authorized to possess that type of weapon, Bill C-19 makes it virtually impossible to hold a seller accountable for selling to an unlicensed buyer.

While selling guns to an unlicensed person will remain illegal, the ability of the courts to hold accountable any seller who asserts they had “no reason to believe” will be extremely limited. The assertion puts the onus on the Crown to prove a reason to believe, weakening the Crown’s ability to secure a conviction so severely as to render the provision unenforceable. While most gun dealers obey the law, not all do and some operate just inside the line. Firearms dealers have been charged with helping to smuggle guns and with selling firearms to criminal gangs. Under this legislation there is little chance of prosecuting a dealer who sells rifles and shot guns to unlicensed owners, and a seller is likely to perceive little risk in doing so. This removes a key protection for women and children facing violence, which is the capacity of the current system to deny long guns to individuals identified as high risks for violent behavior. As noted above, this was 15,000 people over a six-year period from 2005-11.

### **A Case in Point: The Murder of Arlene May**

The Coroner’s Inquest into the shooting of Arlene May in 1998 identified the lack of mandatory licence validation as a major loophole in the system at the time. Her former partner, Randy Iles, was able to purchase a gun despite being forbidden to own guns under bail conditions for assaulting May. While his licence was to have been revoked, he had managed to retain the

physical copy of his licence and was able to use it to purchase the weapon that he used to kill May and himself. This is exactly the risk that Bill C-19 increases. Returning to optional license verification will increase access to guns by those who shouldn't have them, like Randy Iles, intent on killing his former partner.

“No reason to believe” simply won't deter sales to those without a valid licence. Mandatory verification needs to be maintained to help stop firearms from ending up in the hands of those who have been forbidden from owning a gun.

### **Banning Record Keeping: Reducing Women's Safety and Police Access to Information**

Bill C-19 forbids any record keeping of licence verifications, increasing the danger for women with violent partners and former partners. Without a mechanism to notify authorities that dangerous people are attempting to acquire weapons, critical prevention measures will become impossible. Without records, will a seller be able to notify police that someone they think to be dangerous was attempting to buy a firearm? In domestic violence, the desire to do ultimate harm is often immediate. The days following the removal of weapons after a domestic violence charge are critical. When police cannot trace whether men are attempting to buy weapons, abused women are in greater danger.

Bill C-19's ban on keeping records of licence verification attempts will further restrict the information available to police, as will the failure to reinstate the obligation for firearms dealers to maintain records of sale. While it is a massively inefficient waste of police resources compared to searching the current Canadian Firearms Registry Online, this process would be far better than no information at all, which is what Bill C-19 will implement.

### **Use of the Registry – The Canadian Firearms Registry Online (CFRO)**

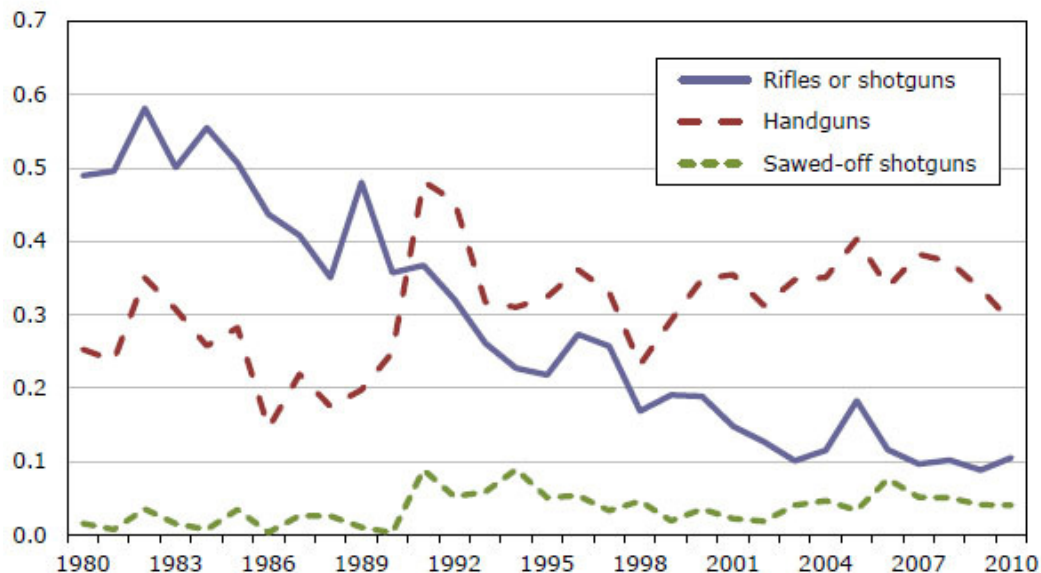
Currently, the registration of a firearm ties that firearm to the licensed owner in the Canadian Firearm Information System (CFIS). Through the Canadian Firearms Online Registry (CFRO), a subset of CFIS, Canadian police agencies can query the name, address or firearms licence number of an individual, or the serial number or registration certificate number of a firearm. This is real-time access to a database updated daily which can be accomplished from a patrol car.

As of September 30, 2011 the registry contained records of 7,137,386 non-restricted firearms (that is, rifles and shotguns), which comprised about 91% of all the registered firearms. The average number of daily queries to the online registry by police services and other users reached 17,402 last year: several thousand more than the year before, and over eight times as many as in 2004 ([www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/archives/quick\\_facts/2011/se-eng.htm](http://www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/archives/quick_facts/2011/se-eng.htm)). Total annual queries to CFRO increased from just 425,000 in 2004, to over five million in 2010 (*ibid.* and *Report of the Commissioner of Firearms, 2008*). Contrary to popular lore, the majority of these searches are not due to automatic checks when pulling over a vehicle. In domestic violence cases they are specific and deliberate checks for firearms registered to the address before answering the call.

A total of 31,625 firearms licences were refused (9083) or revoked (22,542) by Chief Firearms Officers for public safety reasons between Dec. 1, 1998 and the third quarter of 2011 ([www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/index-eng.htm](http://www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/index-eng.htm) and March 2007 archive), an average of about four or five hundred licences refused and about 2,000 revoked each year. How many lives did that save? It is impossible to say for sure, but a review of statistics over roughly the same period shows that the rate of spousal homicides with rifles and shotguns continued to decline, while the rate of spousal homicides by other means remained the same, and the total use of firearms fluctuated. Without a long-gun registry to tell police and the courts how many guns a person owns, how will revocations be enforced?

Regarding total homicides (including non-spousal), Statistics Canada's annual *Homicide in Canada* reports show that the overall rate of homicides committed with a firearm generally declined from the mid-1970s to 2002. Although there were some increases in the 2000s, this was not due as much to the use of long guns, whose misuse had been declining, as to the use of restricted and prohibited weapons such as hand guns.

**Firearm-related homicides, by type of firearm, Canada, 1980 to 2010**  
rate per 100,000 population



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

From *Homicide in Canada 2010*, [www.statcan.gc.ca/pub/85-002-x/2011001/article/11561-eng.htm#a4](http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11561-eng.htm#a4)

The evidence clearly shows a continuing decline in homicides committed with rifles and shotguns, coinciding with increasing use of the long-gun registry by Canadian police services. And while spousal homicides with rifles and shotguns have decreased, spousal homicides by all other means have not.

## Number of spousal homicides, 1995 to 2008 by gender and weapon

	<u>Total</u>	<u>Female</u>	<u>Male</u>	<u>By rifle or Shotgun</u>	<u>By all other means</u>
1995	93	71	22	15	78
1996	82	63	19	20	62
1997	78	63	15	17	61
1998	70	57	13	12	58
1999	71	60	11	17	54
2000	69	52	17	11	58
2001	89	71	18	12	77
2002	84	68	16	10	74
2003	78	64	14	12	66
2004	75	63	12	7	68
2005	74	62	12	14	60
2006	78	56	22	9	69
2007	62	49	13	6	56
2008	62	45	17	12	50

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

The risk factors leading to refusals or revocations of firearm licences mirror the risk factors identified by Ontario’s Domestic Violence Death Review Committee, highlighting the strong connection between access to firearms and intimate partner violence. The Committee found that the presence of seven or more risk factors (such as a previous history of domestic violence, violence outside of the family, potential risk to self or others, mental health issues, substance use, and access to firearms) increases the risk that a physical assault will escalate to homicide by 84% (*Fifth Annual Report of the Domestic Violence Review Committee, 2007*).

Non-restricted firearms constitute the vast majority of Canada’s Firearms Registry; eliminating these registrations will erase the critical information needed to continually assess safety risks to women and children.

### A Case in Point

When RCMP Chief Superintendent Marty Cheliak, as he then was, testified before the Standing Committee on Public Safety and National Security (SECU) on Bill C-391 on May 4, 2010 he described a chilling incident that clearly illustrates the effectiveness of the long-gun registry. A family contacted their local police because the father was in a “depressed state” and they wanted the police to “remove all of the firearms from their home”. Family members told the police what firearms were in the house, then the police checked the registry. Chief Superintendent Cheliak reported that “A Canadian Firearms Registry Online query by local police indicated that there were 21 additional long guns in the home that the other family members knew nothing about. A warrant was obtained and all firearms were removed by police, preventing a potential firearms tragedy. Without the registry, there would not have been any knowledge of the additional 21 firearms.” (<http://parlvu.parl.gc.ca/Parlvu/ContentEntityDetailView.aspx?ContentEntityId=6113> and <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4497859&Language=E&Mode=1&Parl=40&Ses=3#Int-3140301>).

How many times have we seen the horrific news stories of families murdered by a depressed father? This potential one did not happen, because of the registry. How many lives were saved by the long-gun registry with that one simple check?

### **The Cost Comparison**

The cost of the long-gun registry itself has been estimated at less than \$4 million per year. This cost is far exceeded by the costs of domestic violence in Canada. Violence against women and children not only has great social and personal cost to victims and society, but also important financial effects. According to an overview paper from the Department of Justice Canada:

“Although the total costs related to all forms of family violence have yet to be calculated, two key cost studies in specific areas have suggested that the costs are very high. A research study reviewing the costs of various forms of violence against women, including women abused in intimate relationships, estimates that Canadian society pays \$4.2 billion per year in social services, education, criminal justice, labour, employment, health and medical costs. The total criminal justice costs alone were about \$900 million per year.”  
(<http://www.justice.gc.ca/eng/pi/fv-vf/facts-info/fv-vf/fv-vf.pdf>)

According to Health Canada, measurable health-related costs of violence against women in Canada exceed \$1.5 billion a year. (<http://www.hc-sc.gc.ca/hl-vs/pubs/women-femmes/violence-eng.php>),

From a financial perspective, the registry and mandatory licence verification are but a small investment that reaps far greater savings elsewhere.

### **Ending Violence in Canada**

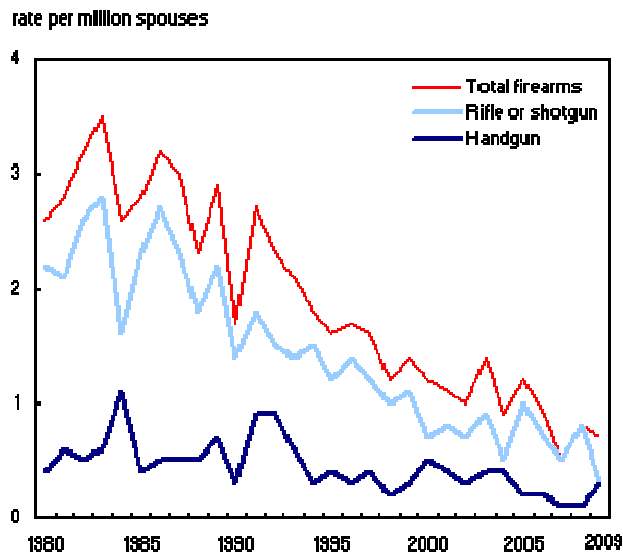
As the largest single provider of services for women and children fleeing violence in the country, ending violence against women is a priority for YWCA Canada. Ending violence against women will require much more from Canadians than the willingness to complete a registration form in order to own a hunting rifle, or to purchase the notorious Ruger Mini-14, capable of killing many women in one quick incident. In 2009, nearly 75,000 incidents of violent crime against women by current or former spouses or someone they were otherwise in an intimate relationship with were reported to the police ([www.statcan.gc.ca/pub/89-503-x/2010001/article/11416/tbl/tbl002-eng.htm](http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11416/tbl/tbl002-eng.htm)). It is estimated that over 70% of such incidents go unreported. Women are three to four times more likely than men to be victims of spousal homicide.<sup>1</sup> In the past decade, an average of 58 women in Canada were killed each year by a current or previous partner; over a quarter of them by means of firearms ([www.statcan.gc.ca/pub/85-224-x/2010000/t024-eng.htm](http://www.statcan.gc.ca/pub/85-224-x/2010000/t024-eng.htm)).

Whether they are non-restricted, restricted or prohibited, firearms serve as instruments of control, intimidation and abuse in cases of intimate partner violence. The accessibility of long guns is critical to this issue. For example, between 1985 and 1995, 71% of *all* spousal homicides involved rifles and shotguns, 24% involved a handgun, 4% involved the use of a sawed-off

rifle/shotgun, and 1% involved other types of firearms (<http://dsp-psd.pwgsc.gc.ca/Collection-R/Statcan/85-002-XIE/0079785-002-XIE.pdf> page 7). Between 1995 and 2008, 72% of the *female* victims of spousal homicides with firearms were killed either by regular rifles or shotguns (150, or 61.7% of all such firearms killings) or their sawn-off varieties (26, or 10.7%), for an average of 13 a year by one of those weapons (Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey).

In 2008, Statistics Canada reported that while the use of handguns to commit homicides has increased in metropolitan areas, long guns are more likely to be used in non-metropolitan areas. Yet overall, Canada continues to see a decrease in the use of long guns in homicides. In 2007, Statistics Canada demonstrated that since 1995, spousal homicides with long guns have decreased by at least 50% (*Homicide in Canada, 2006*). The chart below illustrates how that trend has continued.

### Firearm-related spousal homicides by type of firearm, Canada, 1980 to 2009



Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey; from *Family Violence in Canada; A Statistical Profile, 2009*, Chart 4.6 [www.statcan.gc.ca/pub/85-224-x/2010000/ct019-eng.htm](http://www.statcan.gc.ca/pub/85-224-x/2010000/ct019-eng.htm)

Note(s): Rates are calculated on the basis of 1,000,000 population. Populations based upon July 1st estimates from Statistics Canada, Demography Division. Includes legally married, common-law, separated, and divorced persons age 15 years or older. Excludes homicides of same-sex spouses due to the unavailability of population data on same-sex couples.

The bottom line is clear. Death rates by long guns have reduced substantially since the inception of the non-restricted firearm registry.

### In Whose Interest?

YWCA Yellowknife, which operates a shelter in Yellowknife and processes almost all of the Emergency Protection Orders for the territory, reports that in small communities, an emergency RCMP response can range from an hour away by road, to several days away if the community



can only be reached by air and the weather does not permit flying. The communities are small, often between 150 and 450 people. YWCA Yellowknife travels to these small communities, working with women in the 11 smallest Northwest Territories (NT) communities, those without resident RCMP. After they have built trust, by repeated visits and by listening without judgment, women tell them more about their lives. The north is a hunting culture, and long guns are hunting guns. But they are also used to intimidate, subdue and control partners. YWCA Yellowknife hears this repeatedly from women.

As a provider of shelter services, as the primary facilitator for emergency protection orders, and an organizer of capacity enhancements for five NT shelters for women experiencing abuse, YWCA Yellowknife has heard from many women who experience abuse. They see older women, threatened so badly they run out of the house without boots or a parka in severe weather. They see young women raped by family members.

**This legislation to destroy the long-gun registry removes one of the most effective and tangible means to protect women in rural and remote northern communities from the pervasive violence they face.**

RCMP repeatedly tell YWCA Yellowknife that their access to the information in the long-gun registry allows them to confiscate long guns from homes where abuse is occurring. Without the registry, they have no means to identify what guns are owned. But this is only part of the debate. By not exercising authority to intervene to remove the weapons used to intimidate women, society is making a choice. We are giving women a strong message.

For our YWCA in Yellowknife, the most damaging outcome of this legislation is the message to northern women. Passage of Bill C-19 says to women who experience abuse by partners who have long guns “we are not interested in protecting you.” And worse, it says “we are not interested in assisting the RCMP to protect you either.”

There is no magic number of visits YWCA Yellowknife can make to northern communities to encourage women individually or collectively to try to keep themselves safe when the government of Canada is clearly saying “you do not matter.”

Dismantling the long gun registry will not serve the interests of women and children vulnerable to violence. Nor will making it optional to verify someone’s licence before selling them a gun. It will increase the risk of harm for them and the police services who respond to domestic violence.

YWCA Canada urges you make a decision on the facts and assess the benefits of the non-restricted firearms registry, of mandatory licence checks and of dealers retaining records of sale. There is no evidence in 2012 that it is ineffective or wasteful. There is ample evidence to the contrary. Ask, who will dismantling the long-gun registry benefit? Who will be advantaged from removing mandatory licence checks? Who will it harm?

The long-gun registry is managed with competence and prudence. Legally-owned rifles and shotguns represent over 90% of the registry. The elimination of those records and the removal of mandatory licence verification will unnecessarily curtail a critical safeguard and the crucial data needed to ensure the safety of women, children and the general public.

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**About YWCA Canada:**

YWCA Canada is the country's oldest and largest women's multi-service organization. With 34 Member Associations operating in more than 400 districts and communities across the country, our Turning Point Programs for Women™ address personal safety, economic security and well-being in nine provinces and two territories. YWCA is the largest single provider of shelter to women, serving 25,000 women, children and teen girls including 6,000 fleeing domestic violence each year. We are the largest provider of literacy, life skills, employment and counselling programs in the country, and the second largest provider of childcare services. YWCA Canada is a member association of the World YWCA which unites 25 million women and girls worldwide and spans 125 countries. For more information about YWCA Canada and our Member Associations, visit [www.ywcacanada.ca](http://www.ywcacanada.ca) or find us on Facebook at [www.facebook.com/ywcacanada](http://www.facebook.com/ywcacanada) and Twitter @YWCA\_Canada.

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<sup>i</sup> 3.3 times more, in the interval between 1978 and 1997 (1,476 female victims of spousal homicides vs. 442 male), and 4.0 times in the 1998-2007 period (595 vs. 149). Source: Statistics Canada, *Family Violence in Canada: A statistical Profile 1999 and 2009* editions, at Tables 5.3 and 5.4.