



The Honourable Marco Mendicino, P.C., M.P.
Minister of Public Safety

The Honourable Marci Ien, P.C., M.P.
Minister for Women and Gender Equality and Youth

House of Commons
Ottawa, ON
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May 16, 2022

Dear Minister Mendicino and Minister Ien,

Re Firearms Controls and Violence Against Women

Since the Montreal massacre, women's groups across Canada have actively advocated for effective gun control. We welcome Minister Mendicino's recent announcement relating to gun sales and assault weapons and we are hopeful that your government's commitment to comprehensive action on guns and gun violence will lead to real change and greater safety for women, children and communities.

We are, however, united in opposing the previously tabled Bill C-21 which, in our view, did not effectively address the problems we see, day in and day out. We wish to reiterate our concerns as well as our recommendations for actions that will help make women safer. We summarize these below, while offering our considerable expertise and technical knowledge of both law and policy to assist your government in the development of alternatives. For the moment, we wish to draw your attention to the potentially disastrous implications of the following measures:

“Red Flag” measures: There is no support for downloading or eroding the responsibility of law enforcement and other government officials to implement gun laws. They are, and must remain, responsible and accountable for ensuring that firearms licenses are denied and revoked when there are potential risks to women. Citizens or other organizations, much less potential victims, should not be expected to put themselves at risk by going to court to request action that should be immediate and within the direct responsibility of police. It is widely recognized that women are in greatest danger

during and after separation. Shifting the onus of enforcement to women and third parties, as Bill C-21's "Red Flag" provisions attempt to do, is a guaranteed route to increased fatality.

We do support efforts to use all mechanisms currently available in the system, coupled with additional powers and community education, to identify risks and to expeditiously remove firearms from individuals who pose a threat to themselves or any other person. In the cases of the [Portapique massacre](#), the [Desmond family shooting](#) and many other cases ([Mark Jones](#), [Kevin Runke](#), [Corey Jason Lewis](#), etc.), people were aware of patterns of threats and violence against women. In some cases, police were in fact notified, but no action was taken. If women's safety is of genuine concern to your government, the following specific measures and interventions are required:

- Focus public education on the risks of violence against women, which are distinct from gun control issues relating "gangs and guns."
- Education initiatives should explain the role firearms play in GBV/VAW, ensuring a broad range of risk factors are considered.
- Ensure rigorous screening, including systematic reference checks and spousal notification.
- Promote use of the existing "red flag" mechanisms in the system, such as the Firearms Incident Police system (FIP), and ensure they are used as intended. In particular:
 - Ensure that a broad range of offences and behaviours raise those flags.
 - Encourage community members, health care professionals, and others, to report red flags.
 - Ensure that immediate and effective action is taken in response to such red flag reports.
- Make the substantial new investments that are required for training, more rigorous screening, better enforcement, and accountability of police and other government officials responsible for safeguarding the security of women and other potential victims of gun violence.

In short, the above measures, including a renewed focus on the proper, proactive, use of the existing FIP system in particular, would be a far more effective response to VAW-related concerns that Bill C-21's "Red Flag" provisions ineffectively address.

As for new and enhanced legislative measures related to the VAW-related risks of gun violence, our common expert opinion is that what is primarily needed is the immediate strengthening of screening and conditions related to the granting of licences, including criteria leading to automatic prohibitions on owning guns.

Further discussions with women's groups are imperative, in order to assist in the legal framing of when and how licenses and firearms should be removed in the context of intimate partner violence.

In particular, in previous consultations we have made it clear that:

- **The legislative burden of proof on gun owners to demonstrate that they should have access to firearms should inform all firearms licensing and possession decisions.**
- **Licences and firearms should be removed in a timely fashion from individuals subject to protection orders.**
- **Licences and firearms should be removed automatically in the case of intimate partner threats and violence.**

Assault weapons: We support the ban on assault weapons (including an “evergreen” legislative measure that bans all present and future models) and mandatory buy back as well as a real and effective ban on large capacity magazines. Most countries do not allow civilian possession of these weapons.

Handguns: We support a national ban on the possession of handguns and a ban on their import and sale. We oppose any effort by your government to download the regulation of firearms to the provinces and/or municipalities. The Supreme Court of Canada [has recognized](#) gun control is a matter of federal criminal responsibility. In order to ensure effective gun control in Canada, your government must proactively exercise the full extent of its powers in this area.

Finally, given the uneven and often problematic enforcement of gun control laws to date, we recommend a **review of the *Firearms Act* every three years**, with respect to enforcement, flaws and potential improvements.

In conclusion, strong and effective regulation of firearms is a critical component in preventing violence against women. Firearms increase the likelihood that domestic violence will end in death. Firearms increase the number of victims: children are often also killed and injured and, in 50% of the cases of domestic violence involving firearms, the perpetrator commits suicide. While gun violence is often cast as an urban problem, women and children are more at risk from firearms in rural communities. While guns most often used are legally owned rifles and shotguns, we have also seen mass shootings involving handguns and military assault weapons where women were specifically targeted, including in one of the worst mass shootings in Canadian history – [the murder](#) of Rajwar Gakhal and eight members of her family – committed by a member of a gun club using a legal handgun.

Given your government’s commitment to the National Action Plan on Gender-Based violence, we exhort you to abandon the misguided solutions proposed under Bill C-21 and to instead pursue gun control changes that will ensure, rather than further undermine, the safety of women and other people in Canada.

Sincerely,



Tiffany Butler, Executive Director
National Association of Women and the Law

On behalf of:
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cc: The Right Honourable Justin Trudeau, Prime Minister of Canada