



Ontario Coalition of Rape Crisis Centres

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BRIEF TO THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

Bill C-391: An Act to amend the Criminal Code and the Firearms Act
(Repeal of the Long-Gun Registry)

Summary

The Ontario Coalition of Rape Crisis Centres (OCRCC) calls on Committee members to oppose Bill C-391. This Bill, if passed, would eliminate a valuable tool that enhances public safety and protects women from firearm violence, in particular the safety of women and children in the context of domestic violence situations.

Introduction

OCRCC and its member sexual assault centres are aware that long guns continue to be a threat to women and children, in particular in the context of domestic violence. Firearms have been shown to be a significant and consistent factor that increases the risk of lethality to women living with or leaving domestic violence situations¹. The purpose of the long gun registry is to improve accountability to gun owners, prospective gun owners, and reduce firearms-related crime. We believe this purpose has considerable relevance to domestic violence as a criminal justice issue, as well as a practiced social policy which implicitly encourages the safety of Ontario women and children.

OCRCC believes that dismantling the long gun registry will put women in danger:

The link between domestic violence lethality and firearms is consistent. Between 2003 and 2007, the Domestic Violence Death Review Committee found that “access to or possession of firearms” was present in 42% of domestic homicides (female partners killed by current or former partners); in 2007, it was present in 47% of domestic homicides². In this, it is important for social policy to support the tracking of firearms and firearm ownership, including long guns, in Canada.

¹ Domestic Violence Death Review Committee. Office of the Chief Coroner, Province of Ontario, 2007, p. 10

² Ibid

In their risk assessment tool (Appendix B: Ontario Domestic Violence Death Review Committee Risk Factor Coding Form), an abuser's history of "stor[ing] firearms in his place of residence, place of employment, or in some other nearby location (e.g., friend's place of residence, or shooting gallery)"³ are listed as risk factors that increase lethality for a female partner. Purchase of "any firearm within the past year" by the abuser, "*regardless of the reason for purchase*"⁴ are also included as factors which increase lethal risk to a female partner. This notation highlights that even those weapons that are legally obtained and maintained (as are registered long guns, in the spirit of the registry) are understood to be at increased risk of involvement in an act of lethal or attempted lethal domestic violence, and merit particular tracking.

In the past six years, police "Access and Control of Firearms" has been cited as one recommendation out of many by the Domestic Violence Death Review Committee, aimed at preventing domestic homicides⁵. The long gun registry is one current mode of social policy that facilitates police access and control of perpetrators' firearms.

Further, the Domestic Violence Death Review Committee recommendations cite "considerable attention to the seizure of firearms as a preventative measure regarding domestic violence occurrences"⁶. The Committee states that "police officers should be provided with the power to seize any item designed to be used as a weapon even though it doesn't meet the restricted or prohibited category"⁷. This recommendation is relevant to the long gun registry, as it again acknowledges that even those weapons that are legally obtained and maintained (as are registered long guns, in the spirit of the registry) are understood to be at increased risk of involvement in an act of domestic violence, and merit particular tracking.

The Conservative Party has criticized the current long gun registry for its cost and ineffectiveness at preventing gun-related crimes. We believe this assessment is incomplete, as it does not include the perspective of police first responders: in a Canada Firearms Centre survey, 92% of general duty police officers stated that they use the information in the registry, and 74% stated that the registry "query results have proven beneficial during major operations"⁸, including preparation for responding to domestic violence calls occurring in a private residence. On March 18, 2010, RCMP deputy commissioner Bill Sweeney stated that "there's compelling evidence that the registry promotes [police] officer and public safety," and that "that money [which is currently being

³ Domestic Violence Death Review Committee. Office of the Chief Coroner, Province of Ontario, 2007, p. 42

⁴ Ibid

⁵ Ibid, 32

⁶ Ibid, 25

⁷ Ibid

⁸ Royal Canadian Mounted Police, 2007

<http://www.rcmp-grc.gc.ca/cfp-pcaf/information/ppa-pap/sur-son-eng.htm>

used to maintain the registry] is well invested”⁹.

Firearms are believed to play an important role in explaining the disproportionate number of domestic violence-related homicides in rural and remote areas¹⁰. A 2010 report by the Victim/Witness Assistance Program of East Region, Ontario, notes that women in the rural community of Grey-Bruce “reported the use of or threat with a weapon at more than twice the national rate as reported in the Stats Canada Family Violence Survey”. In that same study, 51% of women surveyed reported they feared for their life compared with 34% in the Stats Canada survey. Another recent study found that rural and farm women who experience violence in the home describe a cycle of intimidation with guns often including threats to family pets and farm animals¹¹.

Accordingly, the High Risk Review Assessment Tool for Domestic/Partner Violence of South Hastings, Prince Edward County, Ontario (a rural island community) lists “Partner has a gun or has easy access to one” as the fourth out of eleven high risk indicators used to assess the risk of lethality for women living with or leaving a relationship where there has been past domestic violence¹². Guns are often more accessible in rural communities for occupational purposes, and in some circumstances this can increase women’s vulnerability to firearm violence. Much family violence literature points to the threat or actual use of firearms as a significant reason that women do not risk fleeing or seeking help¹³.

The Victim/Witness Assistance Program, East Region, recommends that professionals supporting abused women “ask if the victim has firearms and ensure police are aware of this information as well,” noting that “this is helpful safety information for police to have”¹⁴.

Similarly, Dr. Alan Drummond from the Canadian Association of Emergency Physicians and an assistant coroner in rural Perth, Ontario, recently stated in a press conference: “As a rural emergency physician and coroner, I can safely say that I’ve never seen a handgun injury. I have however seen my share of injuries and deaths inflicted by rifles and shotguns. I have felt the pain of investigating a double murder-suicide as a result of escalating domestic violence”¹⁵.

⁹ “Senior Mountie defends gun registry after government criticism”. Metroland News. 18 April 2010. Online: <http://www.metronews.ca/calgary/canada/article/481611>

¹⁰ Family Violence Coordination Unit, Department for Victorian Communities of Melbourne, Victoria. 2007. *Family Violence Risk Assessment and Risk Management*, p. 27

¹¹ Kasdorff, Deborah and Barbara Erb. “Serving Victims of Violence in Rural Communities: Challenges and Best Practices”. Victim/Witness Assistance Program, East Region, January 2010, 13

¹² *High Risk Review Assessment (Domestic/Partner Violence)*, HART Centre and South Hastings, Prince Edward County, and DART Bancroft, p. 1

¹³ Family Violence Coordination Unit, Department for Victorian Communities of Melbourne, Victoria. 2007. *Family Violence Risk Assessment and Risk Management*, p. 27

¹⁴ , Deborah and Barbara Erb. “Serving Victims of Violence in Rural Communities: Challenges and Best Practices”. Victim/Witness Assistance Program, East Region, January 2010, 15

¹⁵ “Health care experts say eliminating the registration of rifles and shotguns will put health and safety of Canadians at risk”. Newswire. 28 April 2010. Online: <http://www.newswire.ca/en/releases/archive/April2010/28/c6423.html>

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 all people, including women, in Canada to life, liberty and security of the person. Section 15 of the *Charter* guarantees women the right to equal protection and equal benefit of the law.

The Conservative Party has criticized the current long gun registry for its cost and ineffectiveness at preventing gun-related crimes. *We believe this assessment is incomplete, as it does not include the perspective of women's advocates, survivors of domestic violence, and our collective knowledge concerning women's disproportionate vulnerability to firearm violence, including long guns.* The Domestic Violence Death Review Committee cites that an abusive partner's "access to or possession of firearms" is a factor that increases the risk of lethality to females living with or leaving an abusive relationship¹⁶. OCRCC is particularly concerned by the lack of gender analysis in all and any public, media and political representations of C-391.

Domestic violence is a current social issue that affects a large number of Canadian women. It predominantly affects women over men: in one year alone, when more than 27,000 cases of spousal violence were reported to police departments across Canada, eighty-seven percent of the victims were women¹⁷.

Women marginalized by race, age or socioeconomic status are at further risk of experiencing domestic violence: 50 percent of all Canadian women will survive at least one incident of sexual or physical violence; but for Aboriginal women in the same country, for example, this number climbs to an astounding eight in ten (80 percent)¹⁸. Women in Northern or rural communities are also at heightened risk.

Women's right to life, liberty and security of the person is also reflected in the history of the long gun registry. The Montreal Massacre, within which 14 women were murdered on December 6, 1989 by a misogynist gunman, was a major spur for the Canadian gun control movement – including the long gun registry – yet this fact has been totally absent from the current political deliberation of the issue. The activities of Montreal Massacre survivors, their support people, the support people of those who did not survive, and many others led to the passage of Bill C-68, or the Firearms Act, in 1995, ushering in stricter gun control regulations¹⁹. The 1995 regulations included new requirements on the training of gun owners, screening of firearm applicants, new rules concerning gun and ammunition storage and the registration of all firearms, including long guns.

¹⁶ Domestic Violence Death Review Committee. Office of the Chief Coroner, Province of Ontario, 2007, p. 10

¹⁷ Bunge and Levett 2000, 21

¹⁸ www.metrac.org/new/stat_vio.htm, April 3, 2009

¹⁹ Rathjen, Heidi; Charles Montpetit (1999). *December 6: From the Montreal Massacre to Gun Control*. Toronto: McClelland & Stewart

The OCRCC acknowledges the financial cost of the registry. We feel that addressing violence against women is indeed a financial investment, however one worth taking. Canadian studies of the economic costs of violence against women to victims and society estimate that costs to health, criminal justice, social services and lost productivity alone range in the billions of dollars²⁰.

Gender-based violence means that certain types of violence continue to impact women disproportionately to men. Women's disproportionate vulnerability to domestic violence and sexual assault, in particular, means that women's experience of these crimes in context with the threat of firearms violence is different than men's experience of the threat of firearm violence.

OCRCC contends that the current debate on C-391 only examines the subject of gun control as it is relevant to men.

Recommendations

OCRCC recommends that the Committee on Public Safety and National Security oppose C-391. The purpose of the long gun registry is to improve accountability to gun owners, prospective gun owners, and reduce firearms-related crime. C-391 has considerable capacity to dissolve a current resource to police first responders, and the resulting safeguards this resource facilitates for women experiencing domestic violence. Furthermore, the impact of Bill C-391 will threaten women's rights to life, liberty, security of the person and equality by discounting the specific safety concerns of Ontario women and their disproportionate vulnerability to firearm violence in the context of domestic violence.

Therefore we call on you to vote against Bill C-391 and on the Government of Canada to:

- Create enforceable best practices that strengthen the Registry's compliance measures
- Consult with survivors of firearm violence, including those who survived the Montreal Massacre and survivors of domestic violence. Incorporate their expertise in future reviews of firearm-related policy and law, as was done following the December 6, 1989 incident
- Consult with sexual assault centres and other services for women experiencing violence, and incorporate their expertise in future reviews of firearm-related policy and law. The Ontario Coalition of Rape Crisis Centres has a 30-year history of working in Ontario and Canada to address and end sexual and other forms of gender-based violence in our

²⁰ Statistics Canada. *Measuring Violence Against Women: Statistical Trends 2006*, p. 13

- communities. In this, OCRCC is a credible voice on issues of violence in all aspects of public discussion, policy and decision-making
- Prioritize women in longer term government's budget planning. The most recent federal and provincial budgets (including stimulus spending allocations) not only failed to target the most vulnerable of Canadian residents, but excluded women from much of the 64 billion in new deficit financed spending and tax cuts²¹
 - Provide funding for research into causes of violence against women and develop strategies to address violence against women
 - Increase funding for programs for women and children who have experienced gender-based violence, including domestic violence and sexual assault

The long gun registry is a proven tool that has reduced homicide and spousal homicide, and enhanced public safety.

The Ontario Coalition of Rape Crisis Centres (OCRCC) works toward the prevention and eradication of sexual assault. The Coalition recognizes that violence against women is one of the strongest indicators of prevailing societal attitudes towards women. As you are likely aware, our membership includes sexual assault centres across Ontario, offering counselling, information and support services to survivors of sexual violence, including childhood sexual abuse and incest.

²¹ Pitre, L. 2009. *Applying Gender Budget Analysis (GBA) to Federal and Provincial Fiscal Policies*.