



April 20, 2022

The Honourable Marco Mendicino
Public Safety Minister
Government of Canada
269, Laurier Avenue West
Ottawa, (Ontario) K1A 0P8

Re: Follow-up to the March 11th and 16th meetings on gun control

Minister Mendicino,

On behalf of the various groups and individuals we collectively represent, we would like to thank you for having taken the time to meet with us last March 11th and March 26th in the context of a larger consultation with groups concerned about gun violence. Because we raised a number of points in a relatively small amount of time, we thought it would be useful to provide you with a written summary of some of the main concerns that we presented.

Problems and solutions

At the outset, it is worth reiterating some of the overarching issues that continue to be misrepresented by gun control opponents and misunderstood by the public and many decision makers, fueling much of the opposition to gun control. Indeed, one of our main concerns is that the conversation around gun control has turned into an “either or” debate, that is, “either we invest in primary prevention, or we implement gun control”. That’s like saying “either we get people to stop smoking, or we screen people for cancer”.

And, like fighting cancer, the different variants of this disease require different prevention measures and different medical treatment. The public health approach to fighting gun violence and suicide relies on a multipronged approach that includes primary prevention, restricting access to the means of violence and addressing treatment and enforcement gaps. Gun violence is not a one-dimensional problem, and neither is the solution. What is more, we support Indigenous rights to hunt (and supported the non-derogation clauses and accommodations needed) but there are many cases where the utility of firearms (particularly handguns and assault weapons) is outweighed by the risks associated with them.

The gun lobby strives to frame the problem as one that is solely driven by “criminals” using “illegal guns” and insists that gun crime and violence is not perpetrated by law-abiding gun owners. While gangs and gun smuggling are real problems that must be addressed, the problem is not limited to the illegal sphere. Most mass shootings are committed by legal gun owners, and most suicides and intimate partner gun homicides involve hunting rifles. Virtually all illegal guns were at one time legal. Legal guns are diverted to illegal markets because they are stolen, illegally sold or illegally imported. [Evidence from industrialized countries around the world](#) supports the thesis that where there are more guns, there is more gun death, injury and crime..

We and our more than 200 partner organizations are committed to addressing the root causes of violence. But we are also acutely aware that the availability of firearms means that suicide attempts are more likely to end in death, women are more likely to be killed by their abusers, the risk of mass shootings is increased, and it’s easier for gangs to get access to guns.

Bill C-21

We are united in our opposition to Bill C-21 which was tabled by your predecessor but not adopted. The measures it contained were not based on evidence or on consultation with experts, were ineffectual, and potentially even damaging to efforts to reduce gun violence. Other than the prohibition on unregulated airguns that are indistinguishable from firearms, we are calling on you and your government to discard Bill C-21 in its entirety and to develop an entirely new set of firearm control measures and interventions based on meaningful consultations with ours and other women's and other public interest organizations genuinely committed to effective gun control and to ending gun violence. Together we recommend the following:

1) Red flag law

There is no support for the framing of the red flag law as proposed by C-21, under which victims or potential victims would be entitled to make an application to a court for an order to remove firearms from a stalker or abuser. Such an option goes against the hard-fought principle of removing any responsibility from a victim with respect to decisions to charge an abuser, as this may further endanger the victim. Introducing further procedures for victims seeking to protect their right to safety under the law fails to demonstrate an understanding of the nuances of intimate abuse. Indeed, it is unrealistic to expect victims to have the means and the fortitude to go to court while they face the challenges of escaping abuse, caring for children and living the semblance of a normal life.

It is important to understand that Canada's existing law provides a wide degree of latitude and authority to firearms officers to refuse a licence to any person who is a threat to themselves or to any other person and to remove guns when risks are identified. (Canada is not like the United States, where gun ownership is a right and judicial involvement is relevant.) Existing law allows for a range of considerations to be weighed in deciding whether a license should be granted to any particular applicant. These considerations consist of examples of risky behaviour and are in no way limiting.

Unfortunately, what too many incidents and inquests have shown is that Canada has failed in the implementation of the legislative tools that are already at its disposal. Not only is there a general lack of awareness of the real risks associated with firearms (in part because of the "gangs and guns" rhetoric), but there have been countless cases in which police were aware of serious risks but either did not take action or did not respond. Hotlines to Chief Firearms Officers go unanswered for hours and reports that are made to local police departments are often dismissed. Any new measure regarding "red flags" needs to take this reality into consideration.

A [recent investigative article](#) exposed the uneven, and in some cases negligent, enforcement of flagging dangerous behaviour via the Firearms Incident Police system (FIP). This is the system that is supposed to alert Chief Firearms Officers (CFO) if a licence revocation may be in order, the same one that the gun lobby constantly refers to in order to claim that gun owners are "vetted daily by the RCMP". **We need substantial new investments for training, more rigorous screening, better enforcement and accountability. The government needs to ensure the proper use of the FIP system, which requires sustained police training on the importance of feeding incidents into the system and public education on the real risks associated with firearms and the importance of reporting dangerous behaviour**

In terms of legislation, **we are recommending that you strengthen the screening and conditions related to the granting of licences as well as the criteria leading to an automatic prohibition on owning guns.** For example, any person who is subject to a restraining order should not have access to guns. Indeed, if a

judge deems there is sufficient evidence for a safety risk to warrant issuing a restraining order to protect a potential victim against a stalker or abuser, then that same evidence is surely sufficient to justify a concurrent prohibition on possessing firearms.

Secondly, **it should be made clear that a range of other circumstances and risk factors should also be presumptive grounds of disqualification for a licence.** This could be achieved, while maintaining some discretion in relation to licence eligibility decisions, by amending subsection 5(2) of the *Firearms Act* in a way that compels the CFO to have primary regard to the undesirability for a person to possess a firearm if they present the enumerated risk factors.

Finally, **we recommend that police and other public safety officials be required to take action in response to concerns raised by health care professionals and other mental health experts, including on an emergency basis when warranted.**

2) Assault weapons

Canadians have good reason to applaud the government's action on firearms which serve no purpose in the hands of civilians: Some 1,500 models of assault-style weapons have been prohibited by the May 2020 Orders in Council (OICs), and the government has recently re-committed to buy back all prohibited assault weapons currently in circulation. However, there are many [semi-automatic centre fire rifles](#) that remain legal, including non-restricted versions, like the SKS model. In addition, as in the past, Canadian manufacturers have managed to circumvent the rules and introduce at least three new models of assault-style firearms since the May 2020 OICs.

Clearly the law and the OICs are insufficient to achieve a ban on assault weapons. **That is why we are asking the government to come through with the "evergreen" changes to the classification system that [your predecessor intended to introduce](#).** One way to do this would be to adopt the New Zealand model, by changing the definition of prohibited weapons in the *Criminal Code* in order to include all assault weapons, including semi-automatic center-fire rifles. Otherwise, we risk finding ourselves in the same situation as we did ten years after the 1995 "ban" on assault weapons, with thousands of new models showing up on the Canadian market.

3) Large capacity magazines

The Liberal election promise and your [mandate letter](#) state that the government will "[require] the permanent alteration of long-gun magazines so that they can never hold more than five rounds" and "[ban] the sale or transfer of magazines capable of holding more than the legal number of bullets". We understand this to mean that you will force the permanent conversion of existing modifiable magazines and prevent new ones from being sold. **This should also apply to magazines for restricted firearms that are limited to 10 bullets.**

In addition, we hope you will not ignore the [other loopholes and exemptions](#) that render the 5/10 limits laughable. This should be addressed by **eliminating**:

- a. **the irrational 2011 interpretation which says that if a magazine is not purposely designed for a specific gun in which it fits, it's exempted** from the 5/10 limits, and
- b. **the exemption for magazines designed for rimfire ammunition** for which there are no limits ([some magazines that can hold 110 cartridges](#) are for sale online).

Finally, it is incomprehensible that no requirements whatsoever apply to the purchase of magazines themselves. The Danforth shooter, who had a stolen handgun, was legally able to buy the magazines with which he shot his victims. **The law should be changed to require a gun license to purchase magazines, just as it is a requirement to purchase ammunition.**

4) Handguns

Handguns are the firearm most frequently used in homicides in this country, and the trend line for gun murders and other crimes keeps increasing since 2013. Many mayors and local politicians have called for national – not provincial or municipal – action on handguns. Indeed, the Coalition for Gun Control, Canadian Association of Police and other groups intervened to fight a provincial challenge to federal jurisdiction over firearms regulation all the way to the Supreme Court of Canada in part because of the experience south of the border with a patchwork of regulations. Research shows firearms flow from unregulated jurisdictions into regulated jurisdictions and with open provincial borders there is little evidence to suggest off-loading responsibility to provinces for prohibiting the sale, import or possession of handguns would have any impact.

It is true that illegally imported handguns are part of the problem, but the fact remains that as the number of licenses for restricted firearms has grown, so too has gun-related injury, homicide and crime in Canada. Phasing out of the private ownership of handguns is supported by a majority of Canadians and should be undertaken as soon as possible.

With that policy objective in mind, we believe that offloading the responsibility to ban handguns to provinces would be a disaster: politically, legally, and most importantly, in terms of public safety. We are unaware of any public interest organization that supports this policy and there is no evidence that regional bans are effective. Conferring power to the provinces to ban handguns will result in never-ending debates, legal challenges and the inevitable failure of whatever patchwork of laws are enacted – if any.

Adopting a policy based on provincial agreements is not only ineffective but would politically taint the handgun issue and impede any real progress on handguns for decades. **We are asking you to withdraw the proposal of provincial bans and instead introduce nation-wide measures that actually counter the proliferation of handguns in Canada. We ask that you cap the number of Possession Acquisition Licence with restricted privileges (or “RPALs”) at the current level and grandfather existing handguns. At the very least, we expect the government to ban the importation and manufacture of new handguns.**

We also note that the Trudeau government has not followed through on its 2015 election promise to reverse the loopholes introduced by the Harper government with respect to liberalization of Authorizations to Transport Restricted Weapons. Since 2015, we estimate that the number of legally owned handguns in Canada has increased by almost 25% - there are now more than 1 million legally owned handguns (compared to about 300,000 in 2006) and gun murders are at an all time high.

5) Controls on the sales of firearms

The requirement to keep sales records for non-restricted rifles and shotguns was introduced in 1977. When the Harper government eliminated the firearms registry in 2012, they did not, in spite of pleas from the Canadian Association of Chiefs of Police, reinstate the provisions from 1977. The Liberal Party promised to do so in 2015, and Bill C-71 did reinstate record keeping but added the legislative

requirement for police to obtain “judicial authorization” before accessing these records, a massive disincentive to tracing firearms. This was not a requirement under the decades-old 1977 rule.

Today, in Ontario, police are not required to obtain “judicial authorization” to access the sales record of pawn shops. Surely, tracking guns should be considered a greater – or at the very least the same - priority as tracking stolen jewelry. **The law should be amended to remove the requirement for police to obtain judicial authority in order to access sales records for non-restricted rifles and shotguns.**

Canada should also meet its obligations under various international laws and treaties, including the 2008 UN agreement on marking and tracing specifically designed to curtail the international trafficking of guns.

6) Licence verification (Bill C-71)

When the government tabled Bill C-71 in 2018, the licence verification measure was presented as [requiring that](#): “vendors must ... [contact] the Registrar of Firearms before transferring a non-restricted firearm. The Registrar would check the [buyer’s] licence number in the Canadian Firearms Information System and issue a reference number if the licence is valid.” In other words, it was suggested that the Registrar would run a potential buyer’s licence number through the system before issuing a reference number and authorizing the transfer of a rifle or shotgun.

However, the regulations as drafted do not actually require the buyer to provide the licence number to the Registrar, nor do they require the Registrar to check the license number through the Canadian Firearms Information System. To mitigate the risk of exploitation of this oversight, which clearly creates a “gray zone” or “loophole” which could be used to undermine the legislators’ intent, and more specifically, gun control, **we ask that you amend the regulations recently put forward, but that are still not finalized, to specify that a seller “must” or “shall” provide the Registrar with the licence number of a potential buyer, and that you further amend the law to specify that “the Registrar shall verify and inform the transferor.”**

7) Other measures

There are many more legislative improvements needed to the current federal firearms control regime, including reinstating or strengthening other measures eliminated or weakened by the former Conservative government, as well as correcting systemic weaknesses that were inserted in Bill C-71 and its regulations by your government. For example:

- a) **removing the six months grace period for failure to renew licences;**
- b) **reinstating transport permits for restricted firearms for ALL travel purposes** (not just 3.5% of them, as under C-71) specifying the locations where the firearms may be transported (consistent with the previous regulations);
- c) **removing the 20-year limit for gun sale record keeping** ([as the United-States just announced they would do](#)); and
- d) **including information about non-restricted firearms in the records related to licence verification** (to compensate for the absence of sales records for private sales of non-restricted firearms).

The Liberal government was elected in each of the last three elections (2015, 2019 and 2021) based on promises to reverse harms caused by the previous Conservative government and to strengthen gun control laws in Canada. Yet the first legislation tabled by your government, Bill C-71, provided only minor improvements and did not address loopholes concerning the firearms legislation or its implementation. Your

government's next effort, Bill, C-21, was so defective as to attract universal opposition from both sides of the debate and relief when it died on the Order Paper.

As you know, in spite of our expertise and lived experience with gun control, our organizations were not consulted in any meaningful way in relation to Bill C-71 or Bill C-21. Rather than fighting with Liberal politicians and officials regarding loopholes and concessions to the gun lobby we would prefer to collaborate with your government to develop effective, evidence-based gun control measures that enjoy broad public support.

Moreover, we are concerned that even the modest progress that has been achieved since your government remains tenuous: half-measures and regulations can be easily overturned by a future Conservative government.

Minister Mendicino, we are calling on your government to meet its electoral promise. We ask you to table new federal firearms control legislation that will finally move the bar forward to a point where it will be extremely difficult, if not politically impossible, to turn back in the opposite direction. Rather than catering to the vocal minority and ignoring the evidence of violence and injury prevention experts, it is time for your government to deliver the kind of gun control a majority of your supporters and a majority of Canadians want, and to finally give the victims of gun violence some closure.

Once again, we thank you for your time and your attention to our concerns. We would be happy to discuss these recommendations further with your staff and we look forward to working with you to achieve comprehensive and effective gun control legislation that is long overdue in Canada.

Sincerely,

Wendy Cukier, President, **Coalition for Gun Control**

Heidi Rathjen and Nathalie Provost, Spokespersons, **PolySeSouvient/PolyRemembers**

Martha Jackman, National Steering Committee Member, **National Association of Women and the Law/Association nationale Femmes et Droit**

Ken Price and Claire Smith, Coordinators, **Danforth Families for Safe Communities**

Alan Drummond, Spokesperson, **Canadian Association of Emergency Physicians**

Boufeldja Benabdallah, Porte-parole, **Mosquée de Québec**

Maxime Riera, Shawn Leblanc et Benjamin Turgeon, Porte-parole, **NOT_HERE / PAS_ICI**

Luna Vadlamudy, Porte-parole, **Ensemble pour Thomas**

Louise De Sousa, **Dawson families for gun control**

Alison Irons, former RCMP officer and mother of gun femicide victim Lindsay Wilson (1986-2013)