SMUGGLED HANDGUNS

CLAIM: "The overwhelming majority of misused crime guns continue to stream into Canada illegally from the United States. Scholarly studies, government reports, and public data and testimony from police forces and civil servants consistently demonstrate that the majority ... of crime handguns are sourced illegally from the United States." [Source]

CLAIM: "The primary issue with gun crime lies in the illegal possession and use of firearms by criminal gangs. The Deputy Chief of Police of the Toronto Police Service, Myron Demkiw, testified that approximately 86% of crime guns seized were smuggled into Canada. An astounding 90% of gun crimes in Ontario were committed with smuggled guns." [Source]

- → The authors of this passage (Schwartz, Thurley, Jones, Kovalev, Leuprecht, Mauser, Langmann, Letter to the Senate, June 2023) and of the proposed form letters (Calibre Magazine) cite either American research, outdated data, data that has been cherry-picked (ex: only handguns, only Ontario/Toronto and only one year), or reports that actually say the opposite if one keeps reading (see images). For example:
 - a) (Testimony from police forces and civil servants" before SECU): "When looking into handguns seized in Ontario, Kellie Paquette, Director General of the Canadian Firearms Program, noted that tracing data reveals that '79% of traced handguns [in Ontario] were foreign sourced.' Similarly, in Toronto, 86% of successfully traced crime handguns were sourced in the U.S. in 2021... At the national level, RCMP Commissioner Brenda Lucki told the Committee that when firearms can successfully be traced, the data reveal that most firearms are sourced in Canada, not in the U.S. She stated that 'in the tracing Centre, of the known source, 73% were deemed to be sourced within Canada and 27% were smuggled or possibly smuggled within the country from the U.S."
 - b) (Government reports (1)): "In 2007, the Tactical Analysis Unit (TAU) of the Canadian Firearms Program conducted an analysis of 2,863 crime guns from seizures made by the Toronto Police Service and firearms submitted for tracing (not all crime guns in the country) and were able to determine the source of 710 guns. Of the 710 firearms, 324 were sourced domestically and 386 were illegally in Canada."

The results of tracing also seem to vary according to the specific type of firearm. For example, when looking into handguns seized in Ontario, Kellie Paquette, Director General of the Canadian Firearms Program, noted that tracing data reveals that "79% of traced handguns [in Ontario] were foreign sourced," 43 Similarly, in Toronto, 86% of successfully traced crime handguns were sourced in the U.S. in 2021, a percentage that has continued to rise since 2019. 44

At the national level, RCMP Commissioner Brenda Lucki told the Committee that when firearms can successfully be traced, the data reveal that most firearms are sourced in Canada, not in the U.S. She stated that "[i]n the tracing Centre, of the known source, 73% were deemed to be sourced within Canada and 27% were smuggled or possibly smuggled within the country from the U.S."45 Stephen White, RCMP Deputy Commissioner for Specialized Policing Services, pointed out that it is important to keep in mind that only a small number of the overall firearms seized by law enforcement are currently traced.46 He further explained:

There were over 30,000 firearms seized [...] in 2020. We received tracing requests for 2,094 and were able to successfully trace 1,472. Seventy-three per cent of those were deemed to be imported legally or manufactured in Canada, and 27%, as mentioned, were smuggled or possibly smuggled. Of that 1,472, 71% were long guns and, of these, 85% were domestically sourced, while 29% were handguns, and 58% of those handguns were identified as smuggled or possibly smuggled. ⁴⁷

Illegal firearms become available through two principal sources. A gun may be domestically sourced, that is, it had a legal history in Canada and was subsequently diverted to the criminal community by sale or theft. An illegal firearm may also originate from outside of the country and be smuggled into Canada.

In 2007, the Tactical Analysis Unit (TAU) of the Canadian Firearms Program conducted an analysis of 2,863 crime guns from seizures made by the Toronto Police Service and firearms submitted for tracing (not all crime guns in the country) and were able to determine the source of 710 guns. Of the 710 firearms, 324 were sourced domestically and 386 were illegally in Canada (

The Tactical Analysis Unit collects and collates information from across Canada on firearms seizures and trace statistics. While the reporting of this information is complete and consistent from a number of the integrated gun and gang units across the country, in many instances data collection remains insufficient and cannot be considered representative of all seizures within Canada.

Domestic sources

Domestically sourced firearms can occur through theft, carelessness or neglect, modification of deactivated firearms and illegal sale or transfer by individuals or businesses.

The Canadian Border Services Agency (CBSA) and some police agencies have raised concerns that some businesses in the recent past have been the source of illegal firearms,

c) (Government reports (2)): "Although as indicated by Gabor (1994:13) the source of firearms used in crimes is largely unknown in Canada, there have been a few recent studies that give us some preliminary information. ... Little is known about the sources of legal firearms in Canada and even less information is available about the sources of firearms on the illegal market."

CLAIM: "Handguns in Canada are strictly controlled." [Source]

- → There are no additional mandatory <u>safety-related</u> screening requirements in the law for those applying for a license to own a restricted firearm (i.e., a handgun), other than an additional safety training course that can be taken in a single day. Handguns are registered but that says nothing about their owners. Some provinces may increase screening for applicants of a restricted firearms license, but that is discretionary.
- ➡ Many "licensed and vetted" handgun owners, including those that trained in gun clubs, have used their weapons to kill:
 - Valery Fabrikant (Concordia University, 1992, 4 murdered, 1 wounded)
 - Mark Vijay Chahal (Vernon BC, 2005, 9 murdered)
 - KimVeer Gill (Dawson College, 2006, 1 murdered, 19 injured)
 - Richard Bain (Metropolis club in Montreal, 2012, 1 murdered, 1 injured)
 - Phu Lam (Edmonton, 2014, 8 murdered incl. 2 children)
 - Alexandre Bissonnette (Quebec Mosque, 2017, 6 murdered, 5 injured)
 - Richard Jonathan (Toronto, 2022, 2 murdered)
 - Francesco Villi (Toronto, 2022, 5 murdered, 1 injured).

CLAIM: "It is unlikely that the supply of crime guns to criminals and gang members will be meaningfully disrupted by C-21." [Source]

- → Handguns stolen from legal owners are also a significant source of illegal guns. Between 2001 and 2016, 8,952 handguns were reported stolen, for an average of 639 each year. About 90% are never recovered. Less legal handguns mean less will be stolen and end up (by definition) in the hands of criminals.
- Some experts have testified before SECU that "about half of crime guns 'start as legal guns owned by legitimate Canadian gun owners. They then are stolen or otherwise find themselves into the black market and become crime guns.' In his opinion, diversion plays 'a huge factor in the availability of illegal firearms.'"

The Committee also heard witnesses, like criminal defence counsel Christian Pearce, who stated that about half of crime guns "start as legal guns owned by legitimate Canadian gun owners. They then are stolen or otherwise find themselves into the black market and become crime guns." In his opinion, diversion plays "a huge factor in the availability of illegal firearms." 50

It's an unfortunate reality, but diversion is an extremely significant issue and the only way to address it is by cutting out the availability on the legal side. They may be coming theft from production facilities, as we saw at Para Ordnance many years ago, truck theft, as we saw just a few days ago in Peterborough—fortunately those guns were recovered—or primarily theft from legitimate gun owners, who keep safe stocks of firearms. They become targets for break and enters to be stolen and to be turned over to criminals at elevated prices to be used in all sorts of crime.⁵¹

CLAIM: "The handgun 'freeze' has had no appreciable public safety benefit." [Source]

▶ Ending new handgun purchases will also prevent straw purchases of handguns: There have been many cases of straw-purchasing of handguns in Canada. One provincial task force (BC) on illegal firearms found that an increasing number of weapons are being bought legally in Canada and then transferred to people without licences.

ASSAULT WEAPONS (EXPANDED DEFINITION OF 'PROHIBITED WEAPON')

CLAIM: "It won't work. Policies targeting 'assault-style weapons' are not associated with a reduction in mass shootings or homicide." [Source]

- **→** The RCMP has repeatedly alerted successive federal Minister of Public Safety as to the risk to public safety associated with the availability of assault-style weapons.
- → All firearms are dangerous, but some are more than others. Studies show that in active shooter situations semi-automatic rifles wound and kill twice as many people as those using weapons that don't self-load, and fatality rates from gunshot injury increase significantly with the caliber of the firearm. Research also shows that attacks involving large-capacity magazines result in a much higher average death toll, with jurisdictions that allow these devices having twice as many mass shootings as those that ban them.

CLAIM: "Hunters, farmers, sport shooters, and those requiring wilderness protection will be harmed by removing access to firearms... Though current models are not impacted by the legislation, most future semi-automatic models designed abroad will be." [Source]

- The new definition of "prohibited weapon" in Bill C-21 does not ban any existing assault weapons and won't prevent new models from entering the market as it's easily circumventable. Indeed, the definition depends on the mindset of the designer, something manufacturers control and can therefore manipulate (i.e., was a firearm "originally designed with a detachable magazine with a capacity of six cartridges or more," or not?). A manufacturer can easily market a firearm with magazines of six or more after having initially launched the model with five or less.
- ➡ The fact that some want to hunt with an AR-15 does not make the AR-15 a "hunting gun".

CLAIM: "These firearms are especially useful for potentially dangerous pests and predators" [Source]

Military-style weapons are also especially useful for mass shootings.

The AR-15 is the weapon of choice of mass shooters in the US. This is the type of weapon the vast majority of Canadians, including gun owners, want to see prohibited. (The AR-15 was prohibited in 2020 but many similar models remain legal). There are at least 83,000 of them in circulation.

➡ In fact, there are at least 482 models that the government considered dangerous enough to be banned last November. None of them are impacted by the bill: they remain legal and many if not most non-restricted.

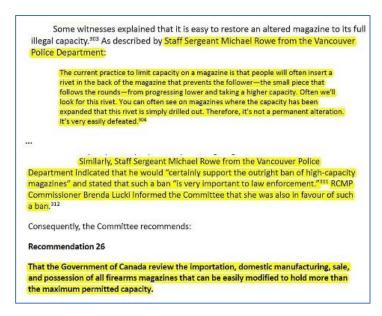


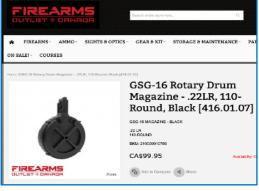
All-American Killer: How the AR-15 Beca Mass Shooters' Weapon of Choice

MAGAZINES

CLAIM: "Magazines designed for semi-automatic firearms are already limited by law to five rounds in Canada." [Source]

- **→** The current magazine rules that limit rounds to five and ten (for long guns and handguns respectively) include an array of exemptions and loopholes. For example:
 - a) "modifiable" magazines pinned at five rounds are legal (many mass shooters bought such magazines and illegally modified them to achieve their full illegal capacity - by simply removing a rivet); the Standing Committee on Public Safety and National Security recommended they be banned;
 - b) if a magazine is not purposely designed for a specific gun in which it fits, it escapes the 5/10 limits:
 - c) according to the RCMP "magazines up to 110 shot capacity are available", since rimfire rifles are exempted;
 - d) magazines for semi-automatic handguns can contain 10 rounds (the Quebec Mosque shooter used five of these).





WRONG TARGET: GO AFTER CRIMINALS INSTEAD

CLAIM: "The prevalence of illegal firearms in gang-related homicides underscores the need for targeted solutions to combat the illegal trade and possession of firearms." [Source]

→ According to Statistics Canada, from 2009 to 2020 only 6% of victims of firearm-related violent crime was related to a criminal organization or street gang crime, while less than half of gun-related homicides are gang-related (39% in 2020, 46% in 2021). Gang-related or not, both are equally tragic and deserving of action aimed at preventing their occurrence.

CLAIM: "This measure will have little impact on criminal gangs who predominantly rely on illegal firearms." [Source]

- → Actually, Bill C-21 contains several measures aimed at combatting the illegal gun market: 1) increased maximum penalties, 2) banning ghost guns, 3) banning certain gun parts, 4) expanding police ability to wiretap and 5) increasing CBSA's ability to manage inadmissibility to Canada based on regulatory firearm offences.
- → However, there are limits to what legislation can do to fight illegal guns (do they think parliament can make illegal guns "even more illegal"?). At some point, the task falls on police to apply the tools provided by the law to locate illegal guns and charge their owners.

CLAIM: "The proposed freeze on the sale, purchase, or transfer of legal handguns would affect more than 1 million law-abiding firearms" [Source]

- → The freeze on new handgun purchases does not affect current handguns nor their owners.

 Owners can keep their handguns and continue to use them for target shooting at gun clubs.
- → According to RCMP estimates and other sources, there are currently about 306,000 handgun owners, representing 0.8% of the population. They own an estimated 1,335,700 handguns.

CLAIM: "The proposed handgun ban in Bill C-21 ... unfairly targets law-abiding firearms owners, including Indigenous hunters. It infringes on Indigenous rights to hunt on reserve lands and traditional territories." [Source]

➡ It is currently illegal to hunt with handguns. The gun lobby wants to legalize hunting with handguns, but they can't reasonably argue that hunters, including indigenous hunters, will be harmed by a measure that doesn't affect their current hunting practices in any way.

CLAIM: "Mandatory minimum penalties for gun crime can play a role in deterring offenders and protecting the safety of our communities." [Source]

→ The Supreme Court has long recognized that strong penalties have not been shown to be effective in deterring crime. The likelihood of getting caught is vastly more effective as a deterrent (thus the need for controls that distinguish legal guns from illegal ones as well as mechanisms that facilitate tracing like registration).

ECONOMIC ARGUMENTS

CLAIM: "Handgun owners are a disproportionately large customer base for the hunting, sporting, and outdoor industries." [Source]

Hunters are by far the largest customer base for hunting industries, neither of which are affected by any measure in C-21. Handgun owners are the main customer base for stores (or their sections) that sell handguns and related accessories. Yes, the goal (supported by 70% of Canadians and half of gun owners) is to phase-out handguns in Canada, and that inevitably entails phasing-out the business of selling handgun (although gun clubs can continue to purchase them).

CLAIM: "The 'freeze' will force the eventual closure of approved firing ranges. ... C-21 will result in the effective phase-out of all handgun sports in Canada." [Source]

➡ Bill C-21 not only allows current handgun owners to continue participating in target practice at gun clubs, but it also exempts gun clubs from the freeze on new purchases. Gun clubs and ranges could theoretically amass limitless amounts of handguns, thereby sustaining and even sanctioning the expansion of handgun sports or combat shooting (going diametrically against the spirit of the measure). In any case, people who want to practice target shooting can do so with other firearms (the market for shooting sports will adjust).

CLAIM: "Many on-duty police and federal and provincial officers currently train and qualify at private ranges at low costs." [Source]

- **⇒** Gun clubs can purchase as many new handguns as they want and rent them out on site, including to police officers who want to train in private facilities.
- ▶ In the meantime, the number of handguns in private hands in Canada will only be phased out *over generations*.

BROADER HANDGUN EXEMPTION

DEMAND: "Alternative Amendment: Broaden exemptions for competitive sport shooters by permitting those participating or seeking to participate in IPSC or ISSF-recognized disciplines to acquire handguns." [Source]

→ According to the US Violence Policy Center, "(International Practical Shooting Confederation - IPSC) competitors conduct their activities over a 'run-and-gun' obstacle course where they face a variety of 'real world' or 'practical' shoot/don't shoot situations, such as firing at the human silhouette of a 'hostage taker' while sparing the 'hostage.' Unlike traditional target sports, the weapons used are most often large-calibre pistols, assault rifles, and riot shotguns."





https://www.youtube.com/watch?v=boxS-fRUBeo&ab_channel=TunaControlTacticalMedia https://www.youtube.com/watch?v=jYrVW8dgS al&ab_channel=CanadianFirearmsReview https://mgmtargets.com/product/ipsc-hostagetarget/?v=3e8d115eb4b3



➡ If IPSC (or the International Shooting Sports Federation - ISSF) were to be exempted, the handgun freeze would be rendered meaningless. Since the vast majority of handgun owners acquired their handguns based on their stated intention to engage in target practice, and since every gun club could decide to offer IPSC or ISSF-recognized shooting practices, it follows that most if not all gun club members could be exempt. In fact, IPSC-BC said that with an IPSC exception, "we will become the gateway to handgun ownership in Canada and can expect a huge increase in membership." And in practice, nothing would have changed from the status quo.

DOMESTIC VIOLENCE MEASURES

CLAIM: Firearms are rarely used in the context of domestic violence. "Less than 1% of ALL domestic violence calls even have a firearm present at the address, let alone used or threatened." [Source]

- → The gun lobby consistently tries to minimize the threat of guns in the context of domestic violence. The 1% they refer to is based on a false interpretation Statistics Canada data, equating "most serious weapon present" (which police consider to be relevant to the incidence) with "any firearm present" (which means a gun-owning household). If one applies the same logic to knives, then only 3% of households have knifes...
- ➡ It is completely normal that domestic violence calls involving a firearm represent a small fraction of ALL domestic incidents (threats, physical abuse, force confinement, etc.). But when a firearm is involved, the chance of a fatal outcome is multiplied by twelve.
- ➡ In Canada, in the context of domestic violence, firearms are (usually) the second most common method used to kill, after knives. In rural settings they are the most common method. They are also the most common method to murder children.
- ▶ Between 2009 to 2020, for women, firearm-related intimate partner violence was most frequent in rural areas, accounting for 32% of female victims of firearm-related violent crime in the rural South and 38% in the rural North.
- ➡ Between 2014 and 2019, there were 497 victims of intimate partner homicide, and similar to intimate partner violence in general, 80% (400 victims) were women. Between 1975 and 1990, firearms were involved in approximately one-third of all domestic homicides.
- ➡ An Ontario study found that a quarter of domestic violence homicides are committed with firearms. A study in rural New Brunswick and PEI found that two-thirds of the women whose homes had firearms said knowing firearms were present made them more fearful for their safety.

CLAIM: "There is no evidence that these cases cannot be effectively handled by the discretion of the Chief Firearms Officer. The bill itself acknowledges that CFO discretion can be appropriate. No reasons were given for its sudden limitation." [Source]

- ➡ Doctors, victims of domestic abuse and families can already notify police of displays of violent or suicidal behaviour. However, case after case reveals that police often disregard warnings and allow individuals in question to keep their guns despite clear risk factors known to police, including cases where the perpetrator was subject to a restraining order. High profile cases include Gabriel Wortman (Nova Scotia massacre), Mark Jones, Lionel Desmond, Cory Lewis and Kevin Runke.
- → The problem regarding preventative prohibition orders is less one of "raising red flags" than it is about the failure of the authorities to take warnings related to threatening intimate behaviour seriously and that's why structural measures are needed to mandate preventative action (such as license revocation) in the context of domestic violence.

INDIGENOUS CONCERNS

CLAIM: "It is for (Indigenous communities), not for Canada, to decide how to keep our community safe, including determining what weapons we will and will not allow our people to carry." [Source]

- → Canada's constitution gives the federal Parliament the power to make criminal laws which apply across the country. Nonetheless, both the Criminal Code and the Firearms Act offers accommodations for Indigenous communities: different sanctions, different licensing system, exemptions for subsistence hunting, accommodations with respect to gun prohibitions, etc.
- Section 117 of the Firearms Act specifies that "the Governor in Council may make regulations (u) respecting the manner in which any provision of this Act or the regulations applies to any of the aboriginal peoples of Canada, and adapting any such provision for the purposes of that application".
- **➡** Bill C-21 allows for exemptions for subsistence hunting pertaining to mandatory license revocations with respect to protection orders related to domestic violence:

Revocation — protection order

70.2 (1) If an individual becomes subject to a protection order, their licence is automatically revoked and they must deliver to a peace officer any firearm that they possess within 24 hours or, if that is not possible, within any extended period established by the chief firearms officer. Sections 91, 92 and 94 of the *Criminal Code* do not apply to the individual in relation to such a firearm during that period.

Notice

(2) A chief firearms officer must give notice, in the prescribed manner, of a revocation referred to in subsection (1) to the individual and must specify in the notice the period referred to in that subsection.

Conditional licence

70.3 Subject to section 5, a chief firearms officer may, in the prescribed circumstances, issue a licence that is subject to the conditions that the chief firearms officer considers appropriate to an individual referred to in section 6.1, 70.1 or 70.2 if the individual establishes to the satisfaction of the chief firearms officer that they need a firearm to hunt or trap in order to sustain themselves or their family.

- → However, because of the risks associated with firearms and need to control access to them (especially certain types), many measures need to be universal to be effective. Reducing access to handguns is one example.
- **→** The freeze on handguns would not affect indigenous hunting communities as it is illegal to hunt with handguns in Canada.

CLAIM: "We are extremely distressed by the impacts Bill C-21 will inevitably have on our people and hunting rights. The list of newly prohibited firearms set out in amendment G-46 criminalizes a broad gamut of hunting rifles ... the list's proposed "evergreen definitions" would curtail our ability to access new developments in firearms, effectively freezing our rights in time." [Source]

- → The amendment that this passage refers to has been withdrawn before the final adoption of Bill C-21 in the House of Commons. The new definition of 'prohibited weapons' doesn't affect ANY existing models of firearms (only future models that have not been invented yet).
- ➡ All of the models showcased by the gun lobby as examples of hunting firearms that would be banned by G46 would NOT have been affected by the amendment (except the Soviet designed SKS, which is inarguably a military-style weapon). This has been confirmed by the RCMP as well as all the government experts that testified before SECU.

ETHICAL CONSIDERATIONS

There is a false moral equivalency within the C-21 debate:

- **▶** There is no "right" to own guns in Canada.
- → Opponents of C-21 complain about their "rights" to own and use handguns for shooting at targets (or, more specifically in line with the bill, the right to purchase new handguns), while Supporters of C-21 are seeking to prevent more victims of gun crime and violence. These two "opposing views" are not morally equivalent. Preserving human lives should always trump individual hobbies and private financial interests.
- ➡ Why should the safety of all Canadians be at the mercy of a small number of gun enthusiasts for whom the worst consequences of Bill C-21 are to be held to a higher safety standard (with respect to domestic violence prevention), to be unable to purchase new handguns, or to be unable to bequeath their handguns to their offspring in a world where evolving technology constantly renders a myriad of devices and instruments obsolete?

Who benefits from stronger gun control?

- **→ The majority of Canadians**, who want stronger gun control measures to reduce gun violence and improve community safety.
- → The most vulnerable who are at risk of intimate gun violence: abused women, women in rural communities, Indigenous women in rural and remote communities and people dealing with mental illness (the risk of suicide is multiplied with access to guns).
- ➤ Law enforcement officers who are at risk of being shot or killed on the job (the majority of police officers killed on the job are shot, mostly with long guns, many legally owned like the soviet SKS).

Who stands to "lose" from stronger gun control?

- ➡ Manufacturers of handguns and assault weapons, who will see their sales and profits decline.
- → Gun enthusiasts (owners of handguns and assault weapons) who would have to adjust their hobbies to accommodate firearms that are legal, and who represent a miniscule proportion of Canadians (handgun owners represent 0.8% of the population)
- → **Gun lobby groups**, whose (paid) membership largely consists of owners of handguns and assault weapons (not hunters).

For more details: see our brief to the Senate