



## THE MOSAIC INSTITUTE

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### Policy Recommendation

#### Let's Eradicate Gun Violence by Criminalizing All Gun Possession

Among developed countries, Canada has one of the highest levels of gun violence. It's true. We are one of the most violent developed countries in the world when it comes to measuring gun violence. Albeit the fact that we are a distance off the United States, we need to look to Japan and Australia for a model. Japan has almost zero-gun violence, and Australia's parliamentarians said *enough is enough* and changed the laws. Today Australia per capita is home to half the gun violence of Canada.

Two police officers and two civilians were fatally shot recently in Fredericton. Just a few weeks prior, an 18-year old and a 10-year old were shot dead in Toronto's Danforth area. Last weekend, Prime Minister Justin Trudeau was at the scene of the latter incident where he joined the rest of the crowd in extending thoughts and prayers to the victims and the affected communities. Though completely well-intentioned and necessary, our thoughts and prayers aren't enough. We need to do more.

When Canadians live through a period of increased gun violence, the public outcry becomes "ban all handguns" or "such crimes must be punished more harshly" or "we must address the mental health issues which are at the root of such violence". We say: *we must eradicate gun violence*. To do this, we need to address the primary cause of gun violence. The primary source of gun violence is obvious, it is the availability of guns. We must federally criminalize possession of any firearm in Canada.

This is not an emotional reaction to sensationalized outlier shooting incidents. Danforth, Toronto and Fredericton are symptomatic of the current state of gun violence in Canada. In 2018 we have already surpassed the number of victims we had in all of 2014 by one and a half times<sup>1</sup>. Gun violence in Canada is increasing at an alarming rate and in order to eradicate this growing problem we need legislation that will get to the root of the issue. Obviously, there are a few exceptions to criminalization: (I) law enforcement and licensed security guards, (II) licensed hunters and sport shooters and (III) gun clubs. We will get around to the exceptions soon. But regardless, the rationality for criminalization of possession can be reinforced by the answers to three easy questions: (I) what is the current state of gun violence in Canada, (II) why should we criminalize possession and (III) how should we criminalize the possession?

#### I. WHAT IS THE CURRENT STATE OF GUN VIOLENCE IN CANADA?

Firstly, addressing a popular fallacy, the U.S. cannot be our benchmark for gun violence. To claim that Canada is better than the U.S. obscures the extent of the problem we have at home. So, let us first look at recent Canadian gun violence rates in isolation.

Nationally, firearm related violence is on the rise and has been for the past half a decade. This, even though we saw a declining trend of firearm-related violence from early 2005 to 2013<sup>ii</sup>.

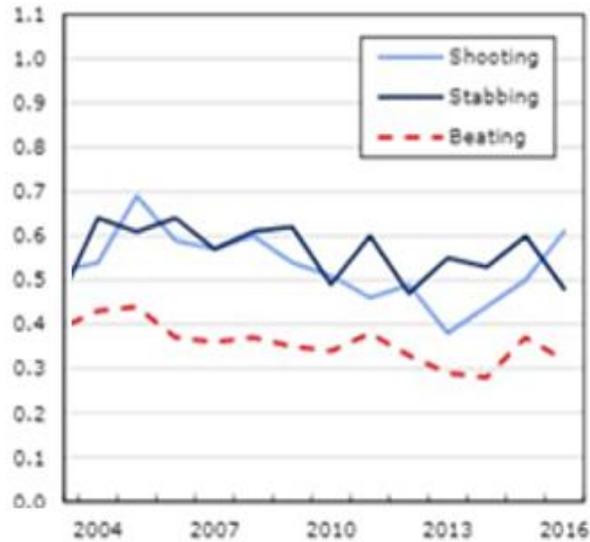


Figure 1: Homicides per 100,000, by most common method, Canada, 1986-2016<sup>iii</sup>

As evident from Figure 1 (homicides per 100,000), since 2013, we have seen a noticeable spike in shootings nation-wide. Some aim to discredit the post-2013 spike by claiming that 2013 saw anomalously low shootings and therefore comparing any year to it would be unfair. But the logical fallacy in that view is almost self-evident. We should aim to sustain declining trends of violence and not use them as justification for subsequent spikes. We are witnessing an alarming trend that affects real people especially in urban areas.

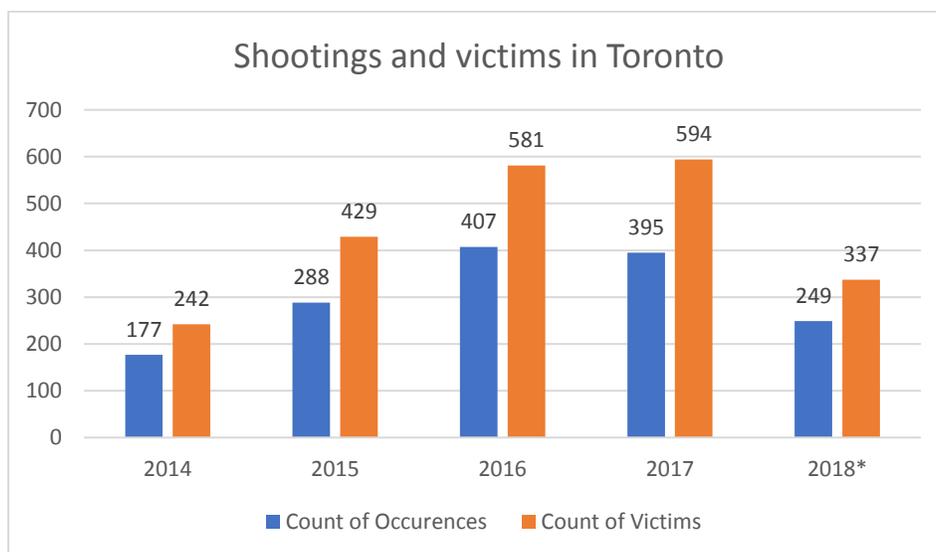


Figure 2: Number of shootings and victims in Toronto, 2014-2018 (\*data till August 2018)<sup>iv</sup>

Let's take the most high-profile case of Toronto. Some have suggested that the mass media coverage of recent shootings in Toronto sensationalized a gun problem that doesn't exist. However, a simple look at the statistics dispels this notion. Figure 2 reveals the extent of the problem: we are only eight months through 2018 and we have already increased the total 2014 count by 50%. These numbers indicate a concerning trend, not a fabricated problem. And, once again, this is just Toronto. This pattern holds across most urban areas across Canada, contributing to the rise in gun violence nationally.

### Comparing Canada with other Developed Countries

When we compare Canada to other developed nations these numbers are still worryingly high.

The most telling comparison is that of Japan, which has an absolute ban on hand guns and firearms<sup>v</sup>. Japan, in general reports an average of 0.027 gun-related deaths per 100,000 people per year. Canada by the same measure has an average of 2.31 gun-related deaths per 100,000 people per year. ***This is nearly 86 times that of Japan.*** The United States, on the other hand, predictably, has an average 10.67 fire-arm related deaths per 100,000, almost 400 times the Japanese statistic<sup>vi</sup>.

Interestingly, in countries with an absolute ban on possession of firearms it is not just gun-related deaths that decrease, the overall homicide rate is also lower.

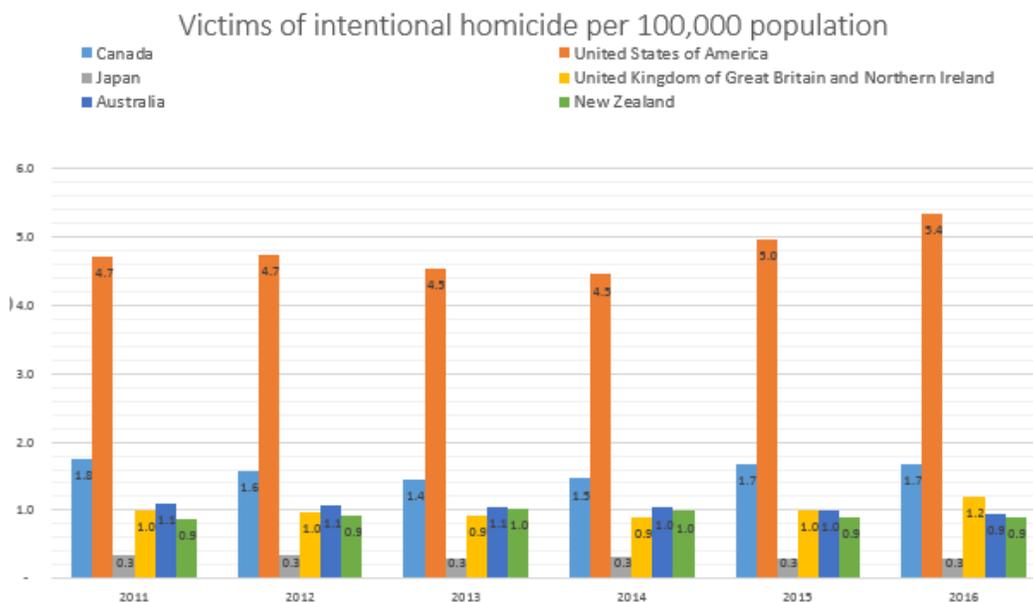


Figure 3: Victims of intentional homicide per 100,000 people across six developed nations (2011-2016)<sup>vii</sup>



As is evident from Figure 3, over the last few years, predictably, the U.S. has had the highest rate of intentional homicide whereas Japan has had the lowest amongst the nations mentioned. In this group of six, Canada is the only country outside of the U.S. where owning a handgun is legal and the registry for firearms, in general, is not centralized. In short, we allow for the possession of firearm without sanctions. *Expectedly, we have the dubious distinction of having one of the highest proportions of intentional homicide, second only to the U.S.* The numbers reveal how much of an impact firearm-possession laws can have on the overall safety of a nation.

Public Safety Minister Ralph Goodale recently attested to this point. "Crime rates generally in Canada have been on the decline for more than two decades, but offences involving firearms have become more prevalent, especially since 2013.", he stated to CBC News. He went on to say that 'better is always possible'<sup>viii</sup>. It isn't like legislation hasn't attempted to reach for that 'better', but efforts like attempting to regulate gun sales through registries saw political backlash and did little to curb gun violence.

Comments like these, while well-intentioned, do not offer a solution to the problem. ***The problem is that Canada has one of the highest gun-related deaths in the developed world, increasing amounts of shootings in urban areas with increasing amounts of victims and a national increase in gun-related homicides. We need to refocus: mere possession must result in prison terms.***

## **II. WHY SHOULD WE CRIMINALIZE THE POSSESSION OF ALL FIREARMS IN CANADA?**

Criminalizing possession of firearms is the most effective way of tackling the current state of gun violence in Canada. The case for criminalization is simple: alternative proposals do not go far enough, and a majority of Canadians already support some form of absolute ban around urban cities.

### **Alternative Proposals: Historical Perspective**

In 2006 the Conservative Party declared that if elected it would abolish the Gun Registry System. This platform was based on the premise that the system was fiscally out of control and the cost of maintaining it was not justifiable. The abolishment of the Gun Registry System was very popular with rural voters and in the Maritimes and Western Regions of Canada. This platform was less popular in urban centres where there is the largest concentration of gun crime.

The proposed Bill C-71, which is in its third reading as of June<sup>ix</sup>, is the major Federal legislation put forth to counter the recent surge of gun-related violence. C-71 and the Montreal and Toronto city-council proposed ban on handguns<sup>x</sup>, address the same gun problems that the Gun Registry System did. Toronto Mayor John Tory's recent push for banning all handguns is laudable. But in order to eradicate gun violence nationally, we need to build on his recommendation.



The Gun Registry System is simply that: a registry system. This view is shared by many who want to see an end to gun violence in Canada. Wendy Cukier, the President of the Coalition for Gun Control and an eminent Criminology scholar from Ryerson University points out that current legislation has significant loopholes<sup>xi</sup>. Criminalization bypasses that and goes to the root of the problem.

Some claim that individuals with mental health issues are one of the major perpetrators of gun violence. However, simply limiting their access through rigorous background checks does not stop guns from falling into the wrong hands. Illicit guns are easily trafficked across borders. Canada is especially vulnerable to gun trafficking simply due to the fact that we share a 4,000-mile border with the country that has the easiest access to guns in the world.

Illicit guns are a real problem in Canada and the RCMP's Canadian Firearm's Program (CFP) has conducted multiple raids to seize these weapons. A quick glance at the Commissioner's Reports from the CFP reveals the sheer number of illicit arms seized every year. Project Shred, Project Revolution, Project Sizzle and Project Obusier all contributed to the confiscation of 25,123 firearms in 2016. The CFP did not release a report for 2017 for reasons unknown. But out of the 25,123 seized in 2016, almost 20,000 were non-restricted<sup>xii</sup>. These are *weapons that do not need to be registered* and only require a valid firearms Possession and Acquisition License. *Merely maintaining a registry or increasing background checks will not address the problem of illicit arms. We need a more severe disincentive.* If mere possession leads to potential jail time, traffickers will face higher sentences and anyone carrying a firearm can be apprehended and if convicted, sent to jail. This is a significant deterrent.

### **Citizen Support for Criminalization**

An absolute ban on possession has not been seriously considered for fear of political backlash from the electorate. This political backlash is grossly over-estimated.

According to Ekos Research Associates' recent poll, 69 percent of Canadians believe that there should be a "strict ban" on guns in urban areas. Those who support banning guns do not belong to one side of the political spectrum. 86% of Liberal respondents, 56% of Conservative respondents and 75% of NDP respondents supported the ban<sup>xiii</sup>. The data indicates that the current government would not lose votes in the upcoming Federal election if they decided to push for criminalization. If anything, they might gain seats.

### **III. HOW SHOULD WE CRIMINALIZE THE POSSESSION OF ALL FIREARMS IN CANADA?**

The solution to increasing gun violence is simple: *ban possession of all firearms in Canada and criminalizing possession.* It is politically viable and in Canada there is no justifiable need for a person to carry a firearm other than to inflict violence. Certain specific cases are exempt would be:

- i. **Law enforcement officers** and similarly licensed individuals, such as security guards licensed for the use of firearms.
- ii. **Guns, used for hunting by licensed hunters and sports shooters**, who shall be required to provide locked, secure storage for such guns.
- iii. **Gun clubs**, where members can use such guns, including hand guns, for target shooting on the premises, but must leave the guns at the club in a locked, secured, and monitored location, where the clubs and members need to be licensed.

An absolute ban and criminalization of possession beyond the above exceptions is feasible.

In order to effectively criminalize the possession of all firearms in Canada, the following recommendations are worth considering:

- i. *Criminalize possession of all guns, while providing the above exceptions.*
- ii. *A special fund should be set aside by the government to buy back weapons from their owners.*

In 1997, Australia set aside \$500 million to buy back weapons from their owners. The results were amazing. 8 months into the program with half the \$500 million used, 500,000 weapons had been surrendered. By the end, they had bought over 650,000 firearms<sup>xiv</sup> for approximately \$230 million<sup>xv</sup>. This would justifiably compensate those who already own guns and incentivize them to surrender their firearms. Australia, quite famously, had dramatically reduced gun-violence after the buy-back scheme.

- iii. *Ratification of the United Nation Protocol on Firearms Control.*

Canada has signed but not ratified the UN Protocol on Firearms Control. Out of the 125 countries, only 10 have not ratified or approved it<sup>xvi</sup>. Canada is one of the 10. The protocol aims to ‘control and regulate illicit arms and arms flows, prevent their diversion into the illegal circuit, facilitate the investigation and prosecution of related offences without hampering legitimate transfers’.

The Toronto Danforth shooter used a gun which was illegally smuggled in from the United States<sup>xvii</sup>. As mentioned before, this is symptomatic of a broader problem of illicit guns flowing in from the U.S., a country that is not a party to the UN Protocol. A public stance against illegal gun trafficking is already evident. What is needed is federal legislation.



## **In Conclusion**

The small, but vocal, gun lobby will oppose the criminalization vociferously. There has already been opposition with claims that any form of increase in gun control is an “unnecessary response” to gun violence and that banning guns is “civil disarmament”<sup>xviii</sup>. Criminalization of possession is civil disarmament but that is not a negative. Given the growing concerns, increasing casualties and rampant trafficking surrounding firearms, it is morally incumbent to push forward with an absolute ban on possession. Anything less would be a compromise and compromising lives for the questionable right to bear arms is unjustifiable.

