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**WEBINAR**

# “Red Flag” Law Awareness: Protecting Against Firearm Harm in Gender-Based Violence

*Financial contribution from*



Public Safety  
Canada

Sécurité publique  
Canada



Department of Justice  
Canada

Ministère de la Justice  
Canada



**Western**  
Centre for Research & Education on  
Violence Against Women & Children

From screening and assessment to developing appropriate parenting plans after family violence



# Awareness to Action: Moving from screening and assessment to developing appropriate parenting plans after family violence in the family justice system

- The Awareness to Action project funded by Department of Justice Canada supports five regional Communities of Practice through the Alliance of Canadian Research Centres on Gender-Based Violence. Comprising survivors and professionals from the GBV, health, and family law sectors, these communities work to:
  - Expand trauma-informed training for GBV and family law specialists. Promote standardized screening tools to guide decision-making in family violence–related custody cases.
  - Develop a standardized guide for parenting plans in situations involving family violence.
- Le projet Sensibilisation à l'action, financé par le ministère de la Justice du Canada, soutient cinq communautés régionales de pratique via l'Alliance des centres de recherche canadiens sur la violence basée sur le genre. Composées de survivantes et de professionnels des secteurs de la VBG, de la santé et du droit de la famille, ces communautés travaillent à :
  - Étendre la formation basée sur la connaissance des traumatismes pour les spécialistes des violences basées sur le genre (VBG) et du droit de la famille. Promouvoir des outils d'évaluation standardisés pour orienter la prise de décision dans les affaires de garde liées à la violence familiale.
  - Élaborer un guide standardisé pour les plans parentaux dans les situations impliquant la violence familiale.

# Welcome to our webinar!



Dr. Carolyn Fraser



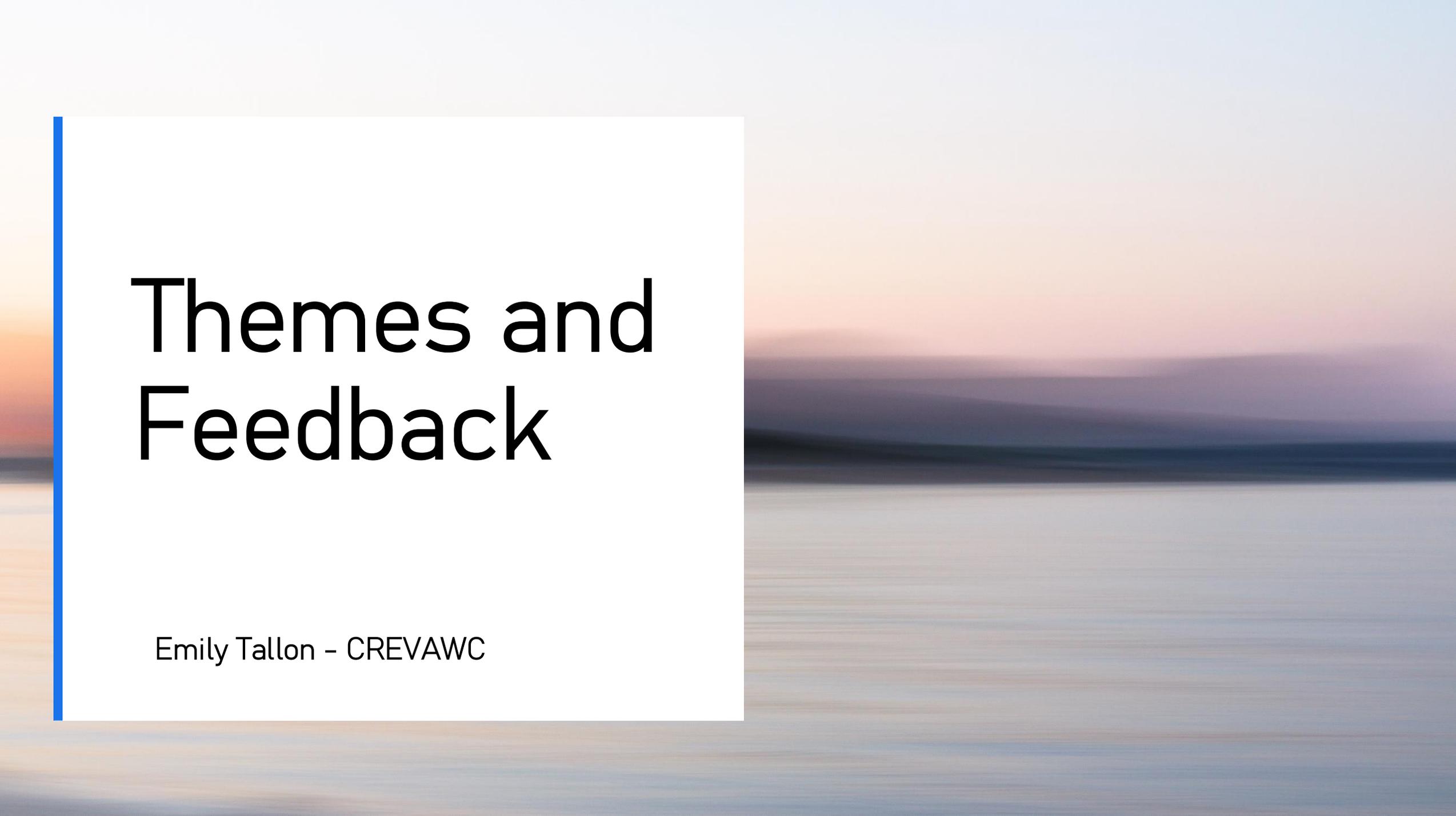
Suzanne Zaccour



Heidi Rathjen

# Opening Remarks





# Themes and Feedback

Emily Tallon - CREVAWC

“One essential feature of an effective system for intervening in and preventing violence, including its escalation to a mass casualty, is **ensuring the system can ‘see’ the red flags** so that appropriate and proportional steps can be taken.”



MASS CASUALTY COMMISSION

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# Red Flag Law Awareness

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Presenter: Carolyn Fraser, Ph.D.

Date: March 12, 2026



# What is Bill C-21?

Bill C-21, officially titled *An Act to amend certain Acts and to make certain consequential amendments (firearms)*, received Royal Assent on **December 15, 2023**, enacting a range of firearms reforms including national handgun freeze, **red and yellow flag laws**, and stronger trafficking penalties ([Canada.ca](https://www.canada.ca)).



The bill introduces new "red flag" laws and measures to address gender-based and intimate partner violence, aiming to increase public safety by removing firearms from potentially dangerous individuals.

# What is the “red flag” laws?

Refers to two new types of orders available to **ANY** person by applying to a provincial or territorial court.

1. **Emergency Prohibition Order (EPO)**
2. **Emergency Limitations on Access Order (ELAO)**



## Emergency Prohibition Order (EPO)

- An order to remove firearms, for up to **30 days**, from someone who may be a danger to themselves or others.
- Hearings can be set to consider a longer-term prohibition up to **5 years**.
- **Any** person may apply ex parte to the court
- Measures are in place to **protect** the applicant's identity
- No lawyer required
- Focus on harm reduction
- No criminal record created (unless breached)



## Emergency Limitation on Access Order (ELAO)

Set rules for another person's possession or use of firearms if there is a risk that their firearms could be accessed by someone who is already under a prohibition order

Last up to 30 days, with possible extension via a prohibition order



## “Yellow Flag” Laws

- Chief Firearms Officers may temporarily suspend a firearms licence for up to 30 days, when IPV is suspected.
- These suspensions provide time to evaluate whether full revocation is required.

### **CFO Contact Information:**

Call: 1-800-731-4000

Email: [CFOON@cfp-pcaf.ca](mailto:CFOON@cfp-pcaf.ca)

# Bill C- 21: Enhanced Licence Ineligibility & Revocation

**Automatic Ineligibility** for firearm licences– as of Apr 4, 2025 – individuals on a protection order or convicted of a violence against a partner/family member

**Mandatory Revocation** – CFO must revoke licence within 24 hrs when there is reasonable grounds to suspect IPV, stalking or when a protection order is issued

- Firearms must be surrender to authorities within 24 hrs

**Records & Reporting** – Courts must advise the CFO within 24 hrs of protection orders made, varied, or revoked

# Firearms and Lethality

## Gun Ownership

....is the single greatest risk factor for IPV becoming **FATAL** – it is not a history of violence, or even prior death threats.

### Why ?

- Permanent presence in the home and immediate, lethal effect.

### How lethal?

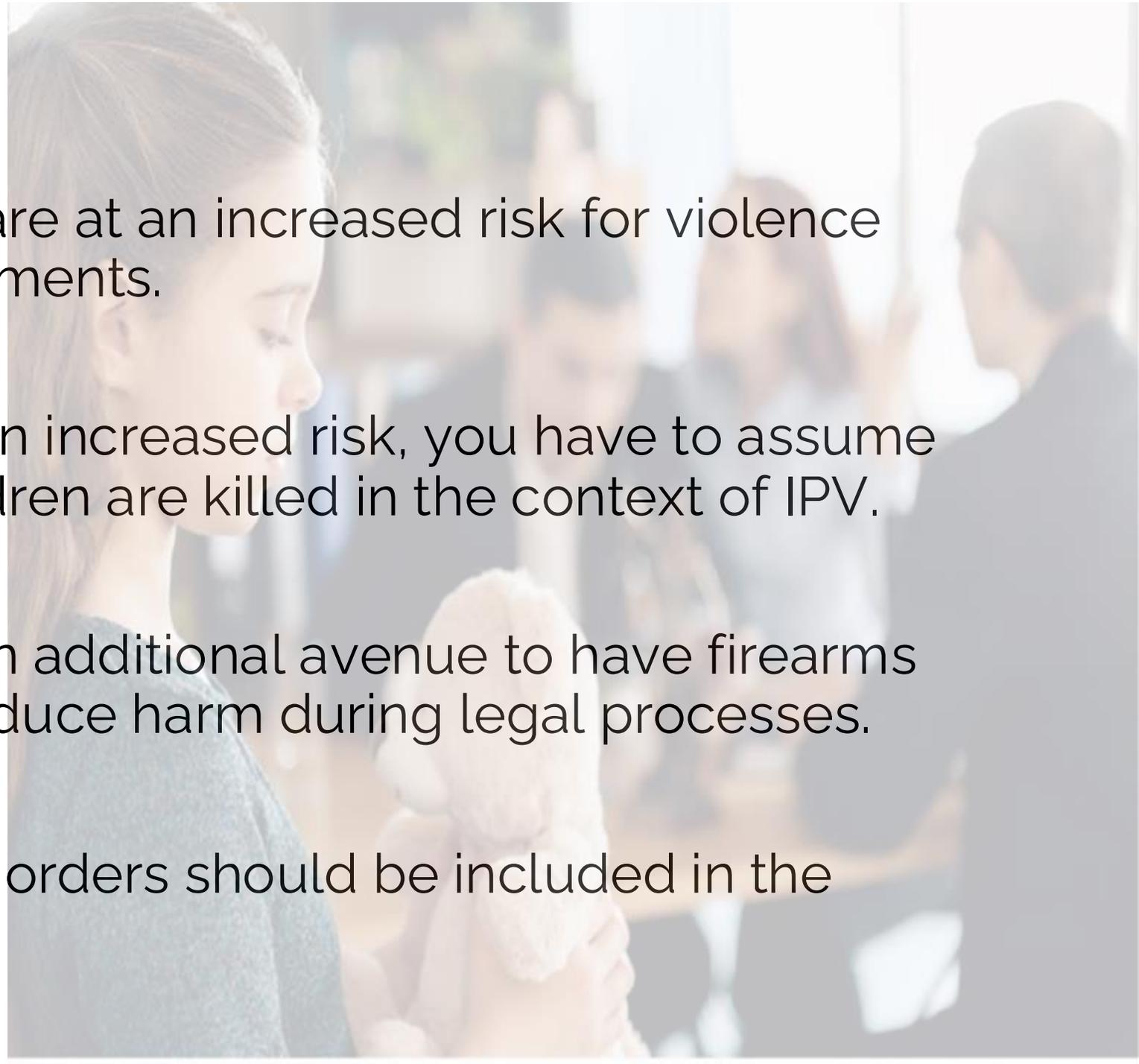
- **5 times** more likely than other types of IPV not involving a firearm.
- Firearms are second to sharp force injury as the cause of death.

### Issue?

- Most firearms used were legally owned rifles and shotguns.

## Relevance to Family Law

- Clients/Survivors of IPV are at an increased risk for violence during parenting arrangements.
- If survivors of IPV are at an increased risk, you have to assume children are as well. Children are killed in the context of IPV.
- EPO and ELAO provide an additional avenue to have firearms and licences seized to reduce harm during legal processes.
- If IPV is suspected, these orders should be included in the overall safety plan.



## Application process

1. **ANYONE** can make application to a provincial or territorial court.
2. Judge holds a hearing – applicant presents evidence to the courts (person who is subject to the application is not present).
3. Judge is convinced – 30-day order is made immediately (steps can be in place to protect the applicant's identity)
4. Person is notified – firearms, weapons, and other items are removed (seized by police or turned in) and firearm's licence is revoked for up to 30 days.

\* The subject to the order can apply to have the order cancelled or lifted for sustenance hunting or, in limited circumstances, employment.

(Judge is **not convinced** – no order issued, the subject is never notified).

5. At the Judge's discretion - may decide to set a hearing for a longer-term prohibition order (firearms are not returned until this hearing is complete).
6. If a Judge **decides not** to set a hearing the firearms will be returned once the EPO is cancelled or it expires.
7. If Judge **grants** the longer-term – firearms and licence are not returned.
8. If Judge **does not** grant the longer- term order – EPO is cancelled, and items are returned.

# Public Safety Search Warrants

- CC 117.04 (1) Application for warrant to search and seize.
- CC 117.04 (2) Search and seizure without a warrant (not practicable to obtain a warrant by reason of a possible danger to safety of that person or any other person).

## **Resource:**

- **Canadian Police Knowledge Network**
  - Course: Firearm Seizures in the Interest of Public Safety

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## Peace Bonds (s 810 Criminal Code)

- Up to 12 months
- Can include “any reasonable conditions” (no-contact, stay away from a location)
- Court **must** consider whether to include a condition prohibiting the defendant from possessing weapons or firearms
- Peace bonds where there is fear of domestic violence (if prior conviction DV conviction - up to two years) (s 810.03 CC)



# Civil protection orders (domestic violence)



Required Surrender/Seizure (MB)

Required Surrender (if firearms used or threatened to be used)  
(NWT, YK)

Explicit authorization for firearms or weapons removal (AB, NB,  
NFLD, NS, NU, BC, NWT, YK, MB)

No express surrender and/or seizure of weapons provision (PEI,  
SK, Fed)

— Civil Protection Orders

# Required surrender of firearms: Manitoba

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If a protection order is granted and the respondent possesses a firearm:

- the order ***must*** include a surrender of firearms provision, and
- a provision allowing a peace officer to seize the items if not delivered

[\*The Domestic Violence and Stalking Act, CCSM c D93, s 7.1\(1\)\*](#)

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# Manitoba

[\*The Domestic Violence and Stalking Act, CCSM c D93\*](#)

## Surrender of firearms

**7.1(1)** If a protection order is granted and the designated justice of the peace determines that the respondent is in possession of a firearm, **the order must include**

- (a) a provision directing the respondent to deliver up to a peace officer any firearm and ammunition that the respondent possesses, until a further order or disposition is made under the [\*Criminal Code\*](#) (Canada), the [\*Firearms Act\*](#) (Canada) or this Act; and
- (b) a provision that, if the respondent does not deliver up the items referred to in the order, a peace officer may for the purpose of seizing the items enter and search any place where the officer has reason to believe the items are located, with such assistance and force as are reasonable in the circumstances.

# Required surrender (if firearms used or threatened)

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**Northwest Territories:** If a firearm was used or threatened to be used while committing family violence, the order must contain a provision requiring the surrender of firearms for up to 90 days. ([Protection Against Family Violence Act, SNWT 2003, c 24, s 4\(4\)](#))

**Yukon:** If weapons were used or threatened to be used, the justice **must require the surrender of weapons** for up to 180 days ([Family Violence Prevention Act, RSY 2002, c 84, s 4\(3\)\(e\)](#))

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# Northwest Territories

[\*Protection Against  
Family Violence Act,  
SNWT 2003, c 24\*](#)

## Surrender of firearms

4(4) If a designated justice finds that the respondent used or threatened to use a firearm in committing family violence, the designated justice **shall include a provision** in the emergency protection order requiring the respondent to surrender to a peace officer, for a period not to exceed 90 days,

- (a) any firearm owned, possessed or controlled by the respondent; and
- (b) any document that authorizes the respondent to own, possess or control a firearm.

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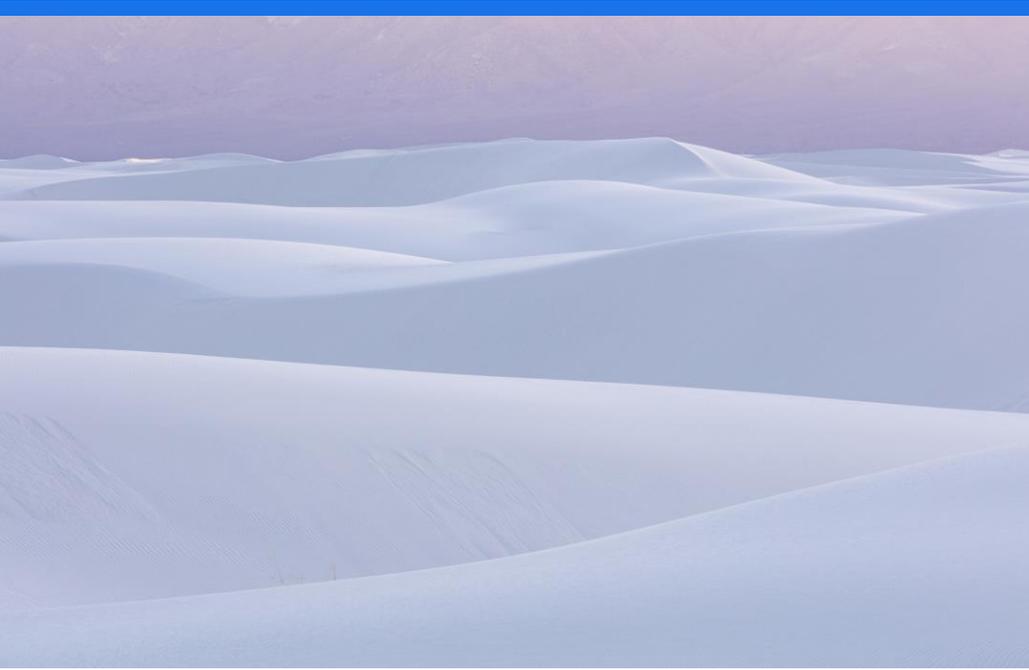
# Yukon

[\*Family Violence Prevention Act, RSY 2002, c 84\*](#)

4(3) An emergency intervention order may contain any or all of the following provisions

...

(e) a provision requiring the respondent to surrender all weapons in their possession to a peace officer for whatever period up to 180 days that the justice decides; or, if a weapon has been used or its use threatened, **the justice shall require the respondent to surrender all weapons** in their possession to a peace officer for whatever period up to 180 days that the justice decides;



Statutes explicitly  
allowing for surrender  
and/or seizure of  
firearms or weapons

Alberta (1 year)

[\*Protection Against Family Violence Act, RSA 2000, c P-27\*](#)

New Brunswick (180 days)

[\*Intimate Partner Violence Intervention Act, SNB 2017, c 5\*](#)

Newfoundland and Labrador (90 days)

[\*Family Violence Protection Act, SNL 2005, c F-3.1\*](#)

Nova Scotia (30 days\*)

[\*Domestic Violence Intervention Act, SNS 2001, c 29\*](#)

Nunavut (90 days for weapons - 1 yr for EPO)

[\*Family Abuse Intervention Act, SNu 2006, c 18\*](#)

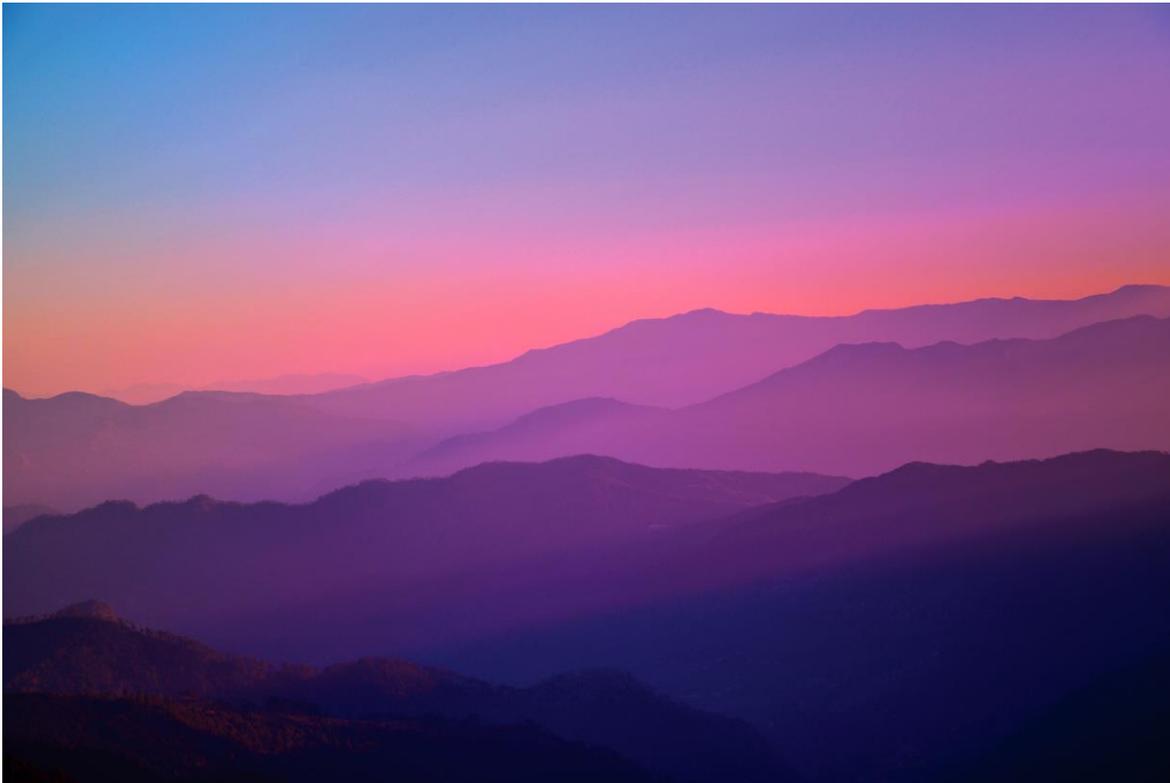
British Columbia (1 year)

[\*Family Law Act, SBC 2011, c 25\*](#)

\*Also Northwest Territories, Yukon and Manitoba

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# No express surrender and/or seizure of weapons provision



## Prince Edward Island

[\*Victims of Family Violence Act, RSPEI 1988, c V-3.2\*](#)

## Saskatchewan

[\*The Victims of Interpersonal Violence Act, SS 1994, c V-6.02\*](#)

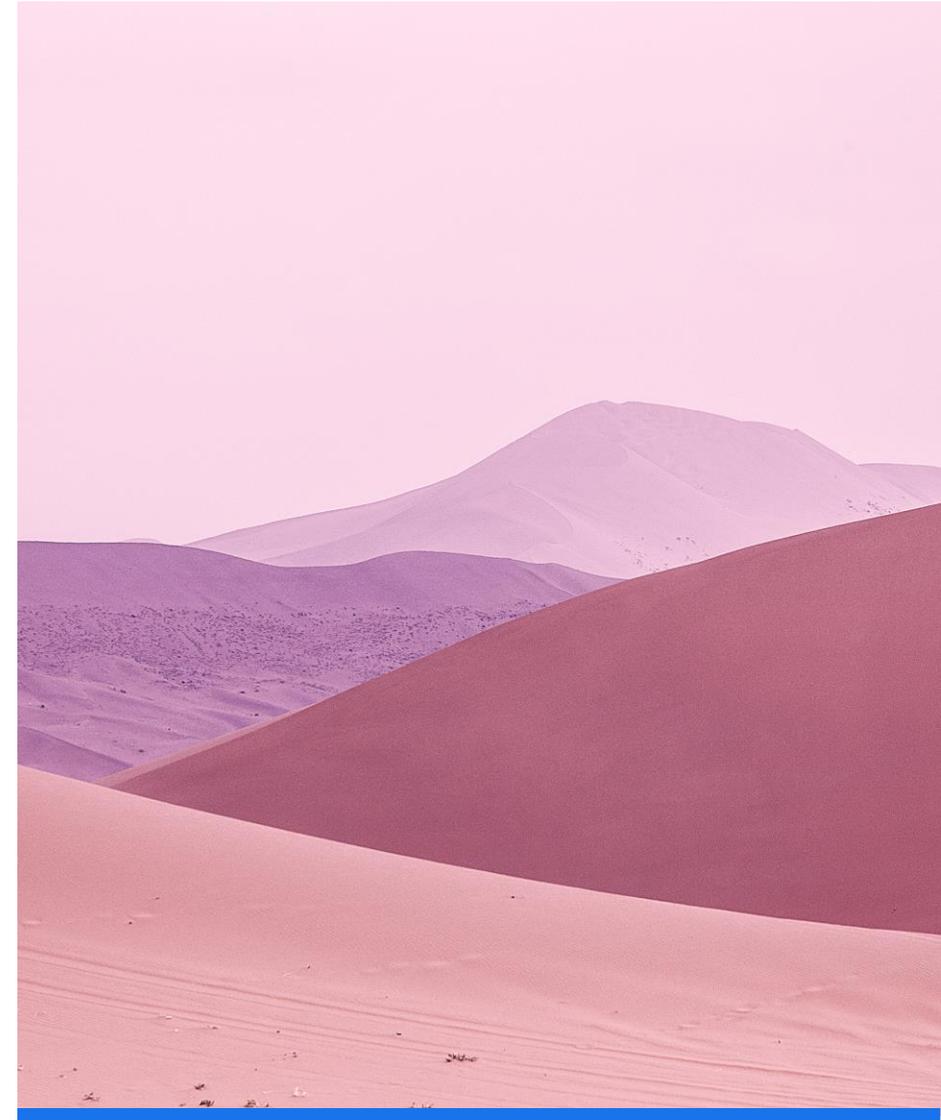
## Federal

[\*Family Homes on Reserves and Matrimonial Interests or Rights Act, SC 2013, c 20\*](#)

Ontario and Quebec: No express  
surrender and/or seizure of weapons  
provision

Ontario (restraining orders) [\*Family Law Act\*,  
RSO 1990, c F.3 \(s 46\)](#) & [\*Children's Law  
Reform Act\*, RSO 1990, c C.12 \(s 35\)](#)

Quebec (protection orders) [\*Code of Civil  
Procedure\*, CQLR c C-25.01](#), article 509



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# **“Red Flag” Law Awareness: Protecting Against Firearm Harm in Gender- Based Violence**

Suzanne Zaccour, National Association of Women and the Law  
Heidi Rathjen, PolySeSouvient

March 12, 2026

# Legislative context: access to firearms licence

## Before C-21:

- Individuals who have been convicted for specific criminal convictions as spelled out in section 106 of the Criminal Code are not eligible to own guns.
- A list of other risk factors shall be CONSIDERED and the decision to grant a licence is discretionary.
- Mental illness is to be considered ONLY if it is accompanied by violence.
- Nothing in the law prevents judges or firearms officers, if they choose to do so, from allowing access to guns for people who displayed any of the risk factors included in this list, including convictions of violence.
- Too many cases that show the system is not working as it should, namely where authorities had knowledge of risky behaviour but did not make any attempt to remove a potential abuser's guns.

# Legislative context: Preventative removal of firearms

## Before and after C-21

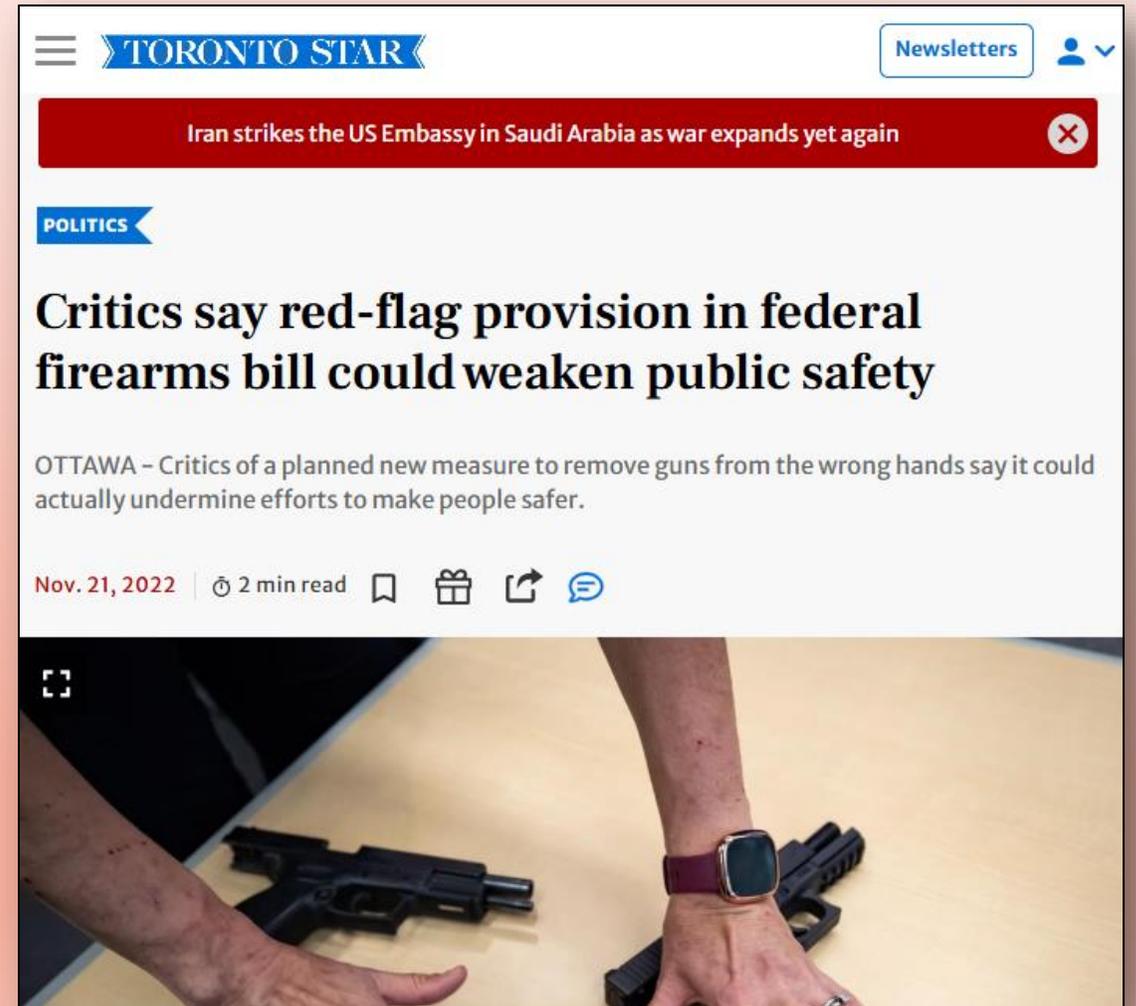
- In Canada, owning a gun is a privilege not a right
- Victims or their families can call police anytime they feel they are in danger
- Police can remove guns in any emergency situation (risk assessment) under Section 117.04(2) of the Criminal Code
- They need to apply for a prohibition order to keep them longer than 30 days [117.06 (1) (a)]
- The gun owner may appeal to the superior court to get them back
- Victims and their families have no formal role in this process
- THIS HAS NOT CHANGED WITH C-21

# Former Bill C-21: changes

- Hard fought battle to pass this legislation
- Key measures are related to intimate partner violence:
  - **subsection 6.1 of the Firearms Act** which renders an individual not eligible to hold a licence if they are subject to protection order or have been convicted of an offence involving violence
  - **subsection 70.1 of the Firearms Act** which obliges a CFO who has reasonable grounds to suspect that a licensee may have engaged in domestic violence or stalking to revoke the licence within 24 hours
  - **subsection 70.2 of the Firearms Act** which automatically revokes the licence of an individual that becomes subject to a protection order and requires them to deliver their guns to a peace officer within 24 hours
  - **subsection 110.1 of the Criminal Code** allows citizens to make an ex-parte application to prohibit someone from owning guns
- **No more discretion** when it comes to domestic (IPV) abuse! Groundbreaking change...
- Key measures still not in effect (prohibition orders)

# NEW *Ex-Parte* (“Red Flag”) - History

- Process excludes the police: the new *ex-parte* option is for CIVILIANS, NOT police
- No one asked for this
- Coalition of women’s groups opposed measure
- But it looks / sounds good...(comes from PR department?)
- Adopted despite opposition
- PolySeSouvient and NAWL tabled brief endorsed by 50 organizations with list of recommendations for effective implementation and minimization of risk related to *ex-parte* option



# Risks

- **The responsibility** to protect victims and potential victims of domestic violence (and related accountability) **must always remain 100% that of the police and the courts.**
- **Potential for “victim blaming”**, a well-known phenomenon associated with similar measures: *The red flag measure “creates potential conditions that put an unreasonable burden on a victim or survivor to address their safety. ... When that happens and we create that kind of opening, where the survivor is somehow responsible for their safety, the system orients itself in that way and begins to question whether the victim has done everything she should have done, based on the interpretation.”* -Battered Women's Support Services
- **Similar case:** Criminal Code's section 810 that makes it possible for a victim to apply for a peace bond: *“Normally, when a person says they fear for their safety, the police should investigate and notify the prosecutor. However, there have been many instances where police officers have told victims to ask their lawyer to do so. Unfortunately, women have lost their lives in the meantime.”* – Qc Ass of Women's Shelters (RMFVVC)

# Risks (cont.)

- **The problem with numerous tragedies is that police and the courts often don't take domestic violence complaints seriously**, and that they don't investigate whether an abuser or potential abuser has access to firearms (legal or not), much less remove them as a precautionary measure. The *ex-parte* measure can make this worse.
- The *ex-parte* option **goes against the hard-fought principle of removing any responsibility from a victim** with respect to decisions to charge an abuser, as this can further endanger the victim.
- It is also **unrealistic to expect victims to have the energy or the fortitude to go to court** while they face the simultaneous challenges of escaping abuse, caring for children and keeping their jobs.
- **There is no true anonymity for a victim of intimate partner violence with respect to an *ex-parte* petition** to remove an abuser's firearms. Any "anonymous" application (not made by police) to remove an abuser's firearms would inevitably be linked to the victim as anyone would guess this is the person who "decided" to apply, and this could further endanger the victim.

# Specific contexts when warranted

- **If the victim's abuser is a police officer and the victim fears police involvement**
- **Any other context where the victim doesn't want the police involved:**
  - If there's a history of police not taking their complaints seriously
  - If the abuser has close ties with local police officers
  - If the victim fears the police (e.g. Indigenous woman, sex worker...)

# Recommendations to minimize risk and maximize protection

- **Expect the police to do its job**, that is, to assess the risk and remove the guns if warranted.
- **Formally inform the CFO of any case of IPV, as the new subsection 70.1 obliges a CFO** who has reasonable grounds to suspect that a licensee may have engaged in domestic violence or **stalking to revoke the licence within 24 hours.**
- **Push back on police that recommend to a victim to proceed with an *ex-parte* application** to protect themselves against an armed or potentially armed abuser. Why isn't the police doing this?
- **CFOs, police and the courts should monitor and investigate all *ex-parte* cases**, to identify the reasons why police did not proceed themselves to remove an abuser's firearms or seek a prohibition order.
- **Data related to these cases should be sent to the RCMP** and made public through the RCMP's Commissioner's yearly firearms reports. (Although until there is a formal information collection process, lawyers should compile such information).

# THANK YOU!

- NAWL: [suzanne.zaccour@nawl.ca](mailto:suzanne.zaccour@nawl.ca)
- PolySeSouvient: [info@polysesouvient.ca](mailto:info@polysesouvient.ca)

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# Public Safety Canada: Red Flag Law Resources

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- [Preventing firearm-related harm or misuse](#)
- ["Red flag" law: Emergency prohibition order process](#)
- [Firearms and public safety: Addressing risk](#)
- [Ways to protect a red flag applicant's identity](#)
- [When an emergency prohibition order is made](#)
- [When an emergency limitations on access order is made](#)
- Access a list of organizations undertaking projects to raise awareness of "red flag" laws [here](#)

# Red Flag Law and related Resources

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- Centre for Research & Education on Violence Against Women & Children [Website on Red Flag Law Awareness Project](#) (English and French)
- [Native Women's Association of Canada - Fact Sheet](#) (English and [French](#))
- [Mount Royal University Website](#)
- [National Association of Women and the Law \(NAWL\) brief on proposed regulations](#)
- [Firearms Seizures – In the Interest of Public Safety Course](#) (CPKN)

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# Protection/Restraining Orders

Alberta: [\*Protection Against Family Violence Act, RSA 2000, c P-27\*](#)

- Further information: [Restraining and protection orders](#) (Government of Alberta)

British Columbia: [\*Family Law Act, SBC 2011, c 25, Part 9\*](#)

- Further information:
  - [Information on Protection Orders](#) (Government of BC)
  - [Family Law protection Orders](#) (Family Law in BC)
  - [Apply for a family law protection order without notice](#) (Family Law in BC)
  - [Peace Bonds and Family Law Protection Orders](#) (Legal Aid BC)

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# Protection/Restraining Orders

Manitoba: [\*The Domestic Violence and Stalking Act, CCSM c D93\*](#)

- Further information: [Protective Orders](#) (Government of Manitoba)

New Brunswick: [\*Intimate Partner Violence Intervention Act, SNB 2017, c 5\*](#)

- Further information: [Abuse & Violence > Protective Orders](#) (Public Legal Education and Information Service of New Brunswick (PLEIS-NB))

Newfoundland and Labrador: [\*Family Violence Protection Act, SNL 2005, c F-3.1\*](#)

- Further information: [What is an Emergency Protection Order?](#) (Provincial Court of Newfoundland and Labrador); [A guide for survivors](#) (Journey Project)

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# Protection/Restraining Orders

- Northwest Territories: [\*Protection Against Family Violence Act, SNWT 2003, c 24\*](#)
  - Further information: [Protection orders](#) (Government of Northwest Territories)
- Nunavut – [\*Family Abuse Intervention Act, SNu 2006, c 18\*](#)
  - Further information: [Family Abuse Intervention Act](#) (Nunavut Courts)
- Ontario: [\*Family Law Act, RSO 1990, c F.3\*](#) (s 46) and the [\*Children's Law Reform Act, RSO 1990, c C.12\*](#) (s 35).
  - Further information
    - [Getting a restraining order](#) (Government of Ontario)
    - [Get a Restraining Order](#) (CLEO)

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# Protection/Restraining Orders

- Nova Scotia: [\*Domestic Violence Intervention Act, SNS 2001, c 29\*](#)
  - Further information: [When is an Emergency Protection Order appropriate?](#) (Government of Nova Scotia); [Emergency Protection Orders](#) (Family Law Nova Scotia)
- Prince Edward Island: [\*Victims of Family Violence Act, RSPEI 1988, c V-3.2\*](#)
  - Further information: [Court Orders for Your Protection](#) (Community Legal Information)
- Quebec: [Code of Civil Procedure, CQLR c C-25.01](#), section 509
  - Further information: [Applying for a Protection Order in a Civil Matter](#) (Government of Quebec)

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# Protection/Restraining Orders

- Saskatchewan: [\*The Victims of Interpersonal Violence Act, SS 1994, c V-6.02\*](#)
  - Further information: [Protective Orders](#) (PLEA)
- Yukon: [\*Family Violence Prevention Act, RSY 2002, c 84\*](#)
  - Further information: [Get an order to keep someone away from you](#) (Government of Yukon)
- [\*Family Homes on Reserves and Matrimonial Interests or Rights Act, SC 2013, c 20\*](#)
  - See also a list of First Nations with matrimonial real property laws in force that have been enacted under the legislation [here](#).

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# Further Reading and Resources

[Mass Casualty Commission: Volume 4 – Community: Chapter 13 Access to Firearms and Community Safety](#), pages 508–598

[Office of the Chief Coroner Province of Ontario Domestic Violence Death Review Committee 2022 – 2023 Annual Report](#)

[Recommendations from the Renfrew County Inquest](#)

[Nova Scotia Fatality Inquiry \(DFI\) Recommendations](#)

[Linda C Neilson, Responding to Domestic Family Violence in Family Law, Civil Protection & Child Protection Cases](#), Canadian Legal Information Institute, 3rd ed (2025), 2017 CanLIIDocs 2 see 9.2.2.23

[Improving Protection Orders: Consultation Paper for Family, Child Protection, and Civil Law](#) (Law Commission of Ontario)