

Red Flag Laws in Canada:

A Fact Sheet

This fact sheet provides information on Red Flag laws, new harm-reduction measures designed to prevent firearm-related violence and self-harm.

These laws allow individuals to request the temporary removal of firearms from a person who may pose a risk to themselves or others. This resource supports safer communities and empowers individuals to take preventative action on the misuse of firearms.

Background

- ▶ In Canada, firearm-related harm, such as gender-based violence (GBV) and intimate partner violence (IPV), has **long-lasting negative and intergenerational impacts**.
- ▶ **Indigenous women**, in all their diversity, disproportionately experience this violence, with **60% reporting lifetime experiences of IPV**.¹
- ▶ According to Statistics Canada,² **one in six victims of IPV (16%) experienced violence involving a weapon**. Firearm-related IPV is **five times more likely to be lethal** compared with other forms of violence.³
- ▶ **Bill C-21** introduced several measures to reduce GBV and IPV, including the creation of Red Flag laws. Red Flag laws allow individuals to apply to the courts for the **immediate removal of an individual's firearm(s)**.⁴

What are Red Flag Laws?

Red Flag laws allow the court to issue emergency orders that **temporarily restrict an individual's access to firearms**, particularly when they pose a risk to themselves or others.⁴

Anyone can apply for an emergency prohibition order through their provincial or territorial court.

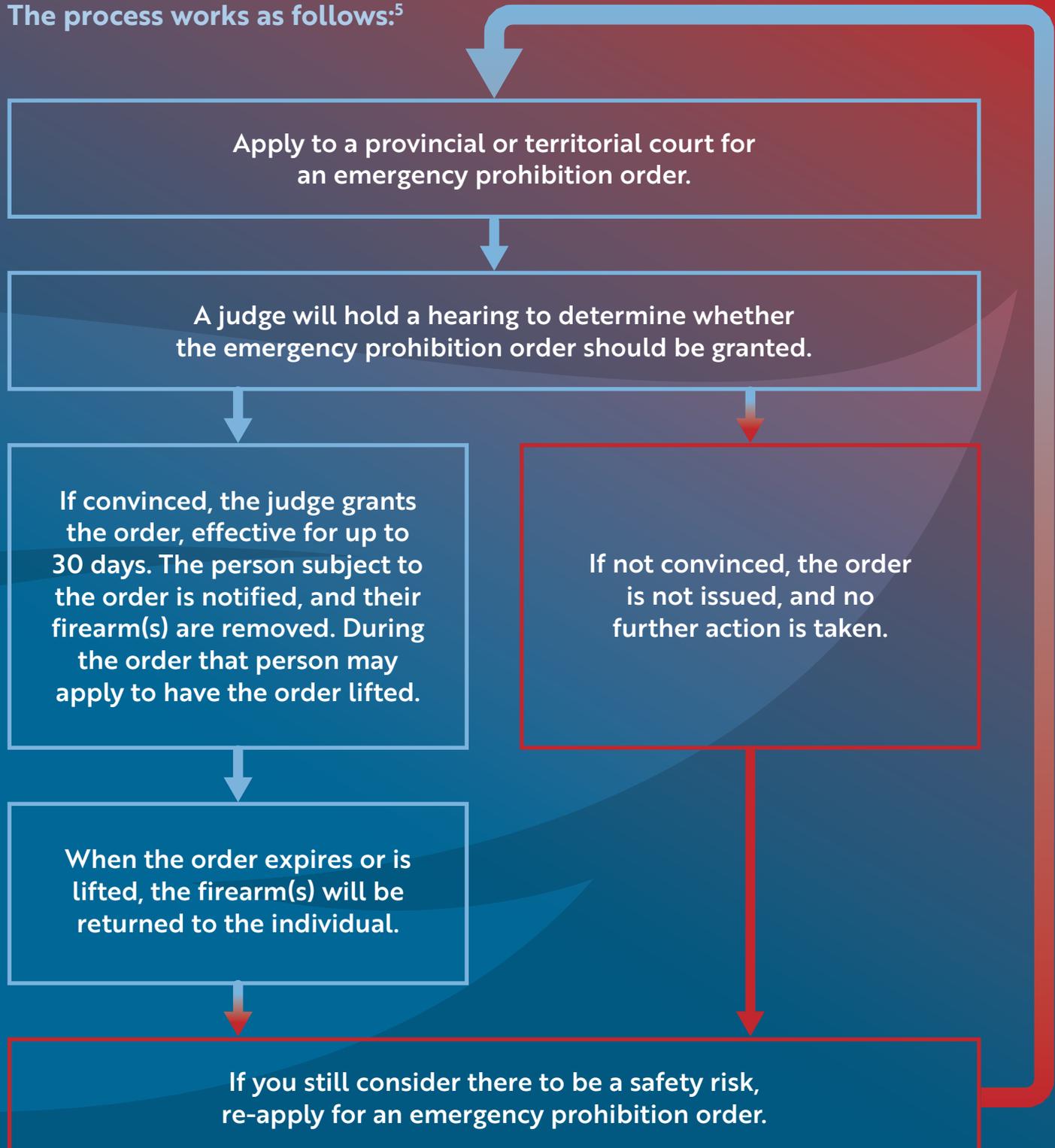
The courts may remove firearms for up to 30 days and/or limit an individual's access to firearms.



How do Red Flag Laws work?

Red Flag Laws allow authorities to temporarily remove firearms from individuals who are deemed a safety risk. Understanding how to access and apply these measures is essential for promoting safety.

The process works as follows:⁵



What type of documentation do I need to provide?



A judge may consider many types of information when making their decision, including:



Personal Notes



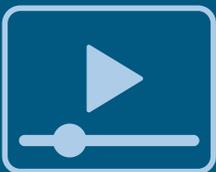
Police Reports or Call Records



Statements from Other Witnesses
(family, friends, neighbours, etc.)



Supporting Documentation
(emails, text messages, social media messages, etc.)



Video or Oral Evidence of Threats, Violence or Attempted Violence.⁶

Can someone apply for a Red Flag order more than once?

Yes, anyone can apply again if they still believe there is a safety risk. There is no limit to how many times an individual can submit an application.

What if a judge has denied my Red Flag application?

There are no restrictions on re-applying for an emergency prohibition order. If you still believe there is a safety risk, you may apply again. However, you may be expected to provide new or stronger evidence when re-applying.

Can my identity be kept secret?

Yes. Individuals have several ways in which their identity is protected:

- ▶ The person the order is against is **not informed of the application or hearing** and only receives notice if the order has been granted.
- ▶ A judge may **hold the hearing in private, seal court documents, or remove any identifying information from court records.**⁷

In an emergency, call 9-1-1 or your local police service.

Additional Resources

Hope for Wellness Help Line	1-855-242-3310
Wellness Together Canada (Adults)	1-866-585-0045 (Adults) Text WELLNESS to 741741
Wellness Together Canada (Youth)	1-888-668-6810 (Youth) Text WELLNESS to 686868
Missing and Murdered Indigenous Women and Girls Crisis Line	1-844-413-6649
Mental Health Crisis Hotline	988
Talk4Healing	1-855-554-4325
Assaulted Women's Helpline	1-866-863-0511
Victim Support Line	1-888-579-2888
Kids Help Phone (Youth)	1-800-668-6868 Text CONNECT 686868

Disclaimer: This fact sheet is intended for general information purposes only and does not constitute legal advice. For guidance on your specific situation, please consult a qualified legal professional.

REFERENCES

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Native Women's
Association of Canada

L'Association des
femmes autochtones
du Canada