

## Self Defence

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You wake up in the dead of the night! You can hear someone is in your home. What do you do?

- Climb out the window and leave your family to fend for themselves?
- Yell at your terrified kids to keep quiet and hide under their beds?
- Wish you'd brought your cellphone to bed?
- Call 911 and wait?
- Call 911 and quickly grab and load your firearm, block the entrance to the family's bedrooms, and tell the intruder, "I'm armed and it's time for you to leave."

Home invasions are increasing in Canada. Terrified people wake up to an intruder, must make a snap decision, and are expected, by our laws, to reassess the changing dynamics and very pressing need to protect themselves and their family.

The preferred response of our current government to this type of scenario is that you call 911 and wait.

But waiting could be the difference between life and death, escaped or raped, a lifetime of trauma or your children confident that dad and mum can—and will—protect them.

We've heard Ontario Premier, Doug Ford applaud the person who took action against an intruder.<sup>1</sup> We've stared shocked at the news announcer who informed us that the person who chose to protect his family has been charged by the police.<sup>2</sup>

What are the appropriate laws to protect Canadians when someone violates their home or is assaulting them or a family member? Would you run afoul of the current requirements of the Criminal Code of Canada (CCC)<sup>3</sup> should you take action?

It should never be the case that protecting oneself from harm violates the law.

### Current Canadian Laws

A quick peek at the Criminal Code of Canada<sup>3</sup> sections 34, 35, and 92 is helpful, but in the heat of the moment with your own and your family's safety threatened, do you have the focus to run quickly through the Criminal Code and assess your options for defence?

"The person [who uses proportionate and reasonable force against an intruder] is not guilty of an offence if they believe on reasonable grounds that force, or the threat of force, is being used against them or another person." (CCC 34:1:a)

This quote from the Criminal Code begs the question, "What are reasonable grounds?" If someone you don't know is in your house, standing over a sleeping family member, it's reasonable to perceive that he is a threat.

Few of us wake up suddenly and are fully cognizant of what's going on around us. Few of us wake up suddenly and are able to assess a safety threat and just what measures are reasonable. It is unreasonable to expect

someone to wake up and promptly assess the intentions of an intruder. It is reasonable to expect someone to wake up and defend him/herself.

### **But, how big of a threat was that intruder?**

This is the question that is asked when a homeowner defends himself. The homeowner who is charged must hire a lawyer to defend himself a second time. This time from the state, even though it is apparent that someone has committed an offence to get into the house.

Section 34<sup>3</sup> deals with defence of person. But, if we consider the scenario above when you have awoken to someone in your home, will you review this section of the Criminal Code: “**(b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force . . .**”?

It should never be the case that protecting oneself from harm violates the law.

Gun-related crimes and “home invasions” are escalating—especially in Canada’s cities. Canadians don’t feel safe. If armed criminals break into your home, a call to police won’t provide protection; the best they can do is provide a case number for your insurance claim. Violent crime is the problem and efforts to curtail violence and loss of life should be directed at perpetrators, not at law-abiding gun owners.

Only by returning to a social order that: honours moral behaviour, rewards self-control, places value on and respect for human life, acknowledges the supremacy of God and the rule of law, can we hope to reduce the rate of assault. In the meantime, Canadians must be allowed to defend themselves, their homes, and their families.

### **What laws would CHP implement?**

We would implement a “Castle Law” allowing Canadians to defend themselves, others and their home from invasion.

The CHP supports the right of peaceful, law-abiding citizens to own and use firearms for hunting, sport shooting and self-defence.

We include the right to use currently banned substances, such as mace and tear gas, for self defence only. (CCC Section 3, Prohibited Weapons).

CHP—the political party that will stand up for your basic human rights.

Join today and support common sense government.<sup>4</sup>

### **Footnotes**

<sup>1</sup> [globalnews.ca/news/11736167/doug-ford-homeowner-shooting-praise/](http://globalnews.ca/news/11736167/doug-ford-homeowner-shooting-praise/)

<sup>2</sup> [www.cbc.ca/news/canada/toronto/lindsay-ontario-assault-charges-home-invasion-legal-expert-self-defence-1.7614269](http://www.cbc.ca/news/canada/toronto/lindsay-ontario-assault-charges-home-invasion-legal-expert-self-defence-1.7614269)

<sup>3</sup> [laws-lois.justice.gc.ca/eng/acts/c-46/](http://laws-lois.justice.gc.ca/eng/acts/c-46/)

<sup>4</sup> [www.chp.ca/get-involved/](http://www.chp.ca/get-involved/)

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