Dementia Justice Canada

Submission to the Senate Standing Committee
on Legal and Constitutional Affairs

Bill C-16: *Protecting Victims Act*

Proposed amendment to the coercive control offence

June 2026

Introduction

This submission addresses one question: Should the proposed coercive control offence in Bill C-16 protect victims of elder abuse from the outset, rather than deferring consideration of their inclusion to a future study in five years? This submission answers "yes."

Established in 2017, Dementia Justice Canada is a small nonprofit dedicated to protecting the rights and dignity of people with dementia. A particular focus is criminal justice reform.

We are a member of the Elder Justice Coalition, an ad hoc group of 17 organizations from across Canada calling on parliamentarians to adopt a coercive control offence that protects victims of elder abuse, consistent with approaches taken in several other jurisdictions.

Dementia Justice appreciates the opportunity to make this submission to the Committee.

As Fay Martin, a retired social worker and Dementia Justice board member, recently observed in the *Toronto Star*: "Why do I say seniors are more vulnerable than children? One reason is that they are more likely to be isolated. Children are required by law to attend school, so there are eyes on them, and [there is an] investigation if they do not attend. There is no such safeguard for seniors."[1] Older adults with dementia are at particularly high risk of this invisibility, as declining cognition can further reduce contact with professionals or community members who might otherwise detect abuse.

[1] "Vulnerable people in our society get legislation that protects them. But not this one very large group" (10 December 2025).

Proposed Amendment

To ensure that the criminal law is available to protect elder abuse victims from the harms of coercive control, and to allow the justice system time to prepare for the new offence, we propose an incremental approach. First, we recommend that this Committee consider amending the proposed coercive control offence so it applies beyond intimate partners and captures abuse committed by relatives. Then, following two years of implementation, the offence should be reviewed to consider extending the scope to informal caregivers and other relationships characterized by trust and dependence.

The specific wording we propose is:

> **Coercion or control of ~~intimate partner~~ relative person**
>
> 264.01 (1) Everyone commits an offence who engages in a pattern of coercive or controlling conduct referred to in subsection (2), with intent to cause ~~their intimate partner~~ a relevant person to believe that the ~~intimate partner's~~ the relevant person's safety is threatened or knowing that, or being reckless as to whether, the pattern of coercive or controlling conduct would cause ~~their intimate partner~~ the relevant person to believe that the ~~intimate partner's~~ relevant person's safety is threatened.
>
> ...
>
> (5) For the purposes of this section, and for greater certainty,
>
> (a) a person's safety includes their psychological safety~~.~~, and
>
> (b) "relevant person" means the accused's intimate partner or relative.

The term "relevant person" is borrowed from Ireland's coercive control offence.[2]

[2] *Domestic Violence Act 2018*, s. 39:

> 39. (1) A person commits an offence where he or she knowingly and persistently engages in behaviour that—
>
> (a) is controlling or coercive,
>
> (b) has a serious effect on a relevant person, and
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> (c) a reasonable person would consider likely to have a serious effect on a relevant person.
>
> (2) For the purposes of subsection (1), a person's behaviour has a serious effect on a relevant person if the behaviour causes the relevant person—
>
> (a) to fear that violence will be used against him or her, or
>
> (b) serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities.
>
> (3) A person who commits an offence under subsection (1) is liable—
>
> (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, and

In the alternative, if the scope of the offence remains limited to intimate partners at the outset, we recommend replacing the five-year review period in Bill C-16 with a commitment to begin studying, immediately following royal assent, the offence's potential expansion to relatives and other relationships:

> **Review by Senate and House of Commons**
>
> 118.1 ~~Five years~~ Immediately after the day on which this Act receives royal assent, or as soon as feasible after that day, a comprehensive review of section 264.01 of the *Criminal Code* and its operation is to be commenced by a committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established by the Senate, the House of Commons or both Houses of Parliament, as the case may be, for that purpose. The review is to consider, among other things, the criminalization of coercive or controlling conduct in relationships other than intimate partner relationships.

Coercive Control is a Form of Elder Abuse

Elder abuse victims are rarely included in the dominant discourse on coercive control, which focuses almost exclusively on domestic violence. Yet coercive control is also a tactic used by adult children and others in positions of trust and dependence over an older adult.[3]

Recognizing the distinct harm caused by coercive control, some elder abuse experts and advocates have urged the Canadian government to treat it as a form of elder abuse. In 2021, for example, participants taking part in a Government of Canada consultation called attention to coercive control, saying that such patterns of conduct should be included in the federal policy definition of senior abuse.[4] That same year, experts also raised the problem of coercive and controlling behaviour when the Justice Committee studied elder abuse.[5]

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(4) In this section, a person is a "relevant person" in respect of another person if he or she—

(a) is the spouse or civil partner of that other person, or

(b) is not the spouse or civil partner of that other person and is not related to that other person within a prohibited degree of relationship but is or was in an intimate relationship with that other person.

[3] See e.g., Australian Government, Attorney-General's Department, Understanding how coercive control can affect older people (March 5, 2024).

[4] Government of Canada, Employment and Social Development Canada, Consultation on a federal policy definition of senior abuse: What we heard (October 2023).

[5] House of Commons, Report of the Standing Committee on Justice and Human Rights, "Elder Abuse: Identifying the Issue and Combatting All Types of Abuse" (June 2021) 43rd Parl. 2nd Sess. at 23.

The Hidden Pattern of Conduct

Respectfully, we do not believe that extending the offence to cover elder abuse would amount to simply "copying and pasting" this context into a provision developed for intimate partner violence. Rather, the offence as drafted already captures many of the ways coercive control manifests in elder abuse cases. For example, the *actus reus* element in proposed section 264.01(2) encompasses conduct commonly used by perpetrators of elder abuse, such as threatening violence, controlling finances and property, controlling medication and access to health services, and controlling access to a victim's spiritual community.

These are well-recognized tactics used to control and dominate older adults. While elder abuse can involve distinct relational dynamics, the core pattern of coercive control contemplated by the offence is sufficiently worded to capture these circumstances.

Much of this elder abuse is hidden, and victims' stories often go untold.[6]

Many elder abuse victims are reluctant to tell others about their suffering, let alone report it to police. They may want the abuse to stop but may feel overwhelmed with shame, embarrassment, fear of retaliation, or concern that their allegations will not be believed. Victims with cognitive impairments such as dementia may be unable to seek help.[7]

This is where criminal law can step in. Elder abuse is too often treated as a private wrong, not a crime against society. Many cases go unprosecuted, leaving victims without justice and abusers undeterred. Even when a victim does not actively ask for the abuse to stop, this may reflect the very domination and control that the coercive control offence is designed to address. The criminal law can play a critical role in naming the harm, holding abusers accountable, and providing protective intervention in situations where victims, especially older mothers abused by their children, find it particularly difficult to report the abuse.

International Examples

Amid calls to include elder abuse in legal reforms on coercive control, a number of jurisdictions have acted to criminalize the conduct not only by intimate partners, but also in family and caregiving relationships. For example, England & Wales criminalize coercive control by intimate partners and family members. "The criminalisation of coercive control is an important step forward in securing older people's right to access criminal justice," wrote the Older People's Commissioner for Wales, an independent watchdog for older people's

[6] For a discussion on the underreporting of elder abuse, see Kerstin Roger et al., "Under Reporting of Abuse of Older Adults in the Canadian Prairie Provinces" (October 2021) 11:4 Sage Open.

[7] Cognitive impairments such as dementia may increase vulnerability to abuse: see e.g., XinQui Dong, Ruijia Chen & Melissa Simon, "Elder Abuse and Dementia: A Review of the Research and Health Policy" 2014 Apr 33:4 Health Aff (Millwood) 642.

rights.[8] In 2023, legislators removed the cohabitation requirement, recognizing that abusers and victims do not always live together.[9]

This broader approach is in line with ongoing calls to expand the offence to caregiving relationships, where coercive control can also occur. As Baroness Campbell of Surbiton observed in the UK House of Lords: "Some of our closest and most intimate personal relationships are with those who care for us. Many carers see us naked in the shower, have access to our bank accounts and observe us at our weakest, physically, mentally or emotionally."[10] The Baroness urged her colleagues to bring the relationship between a disabled person and their carer within the definition of "personally connected" for the purposes of domestic abuse and coercive control laws.

As of May 2025, Queensland, Australia, criminalizes coercive control in domestic relationships, broadly defined as intimate personal relationships, family relationships, and informal care relationships.[11] The law carries a maximum penalty of 14 years' imprisonment.

In 2024, New South Wales (NSW), Australia, criminalized coercive control of intimate partners.[12] This year, the government is reviewing the legislation to consider whether it will be expanded to other types of relationships.[13]

In the beginning, the NSW Attorney-General defended the narrow scope on the grounds that evidence linking coercive control to homicide is strongest in intimate partner relationships.[14] This is a serious and reasonable consideration; however, as noted by Canadian law and ageing expert Professor Margaret Hall, a connection to homicide is not a prerequisite for criminalization.[15] The "triggering event"—the victim's attempt to leave the relationship—is less likely in intergenerational family contexts involving adult children, grandchildren, or other family members, and many older adults may instead endure the abuse while maintaining the relationship, often because of emotional bonds, dependency, caregiving arrangements, family expectations, or a desire to preserve contact with loved ones. As a result, perpetrators may be able to maintain control and continue extracting financial, residential, or other benefits without resorting to the extreme violence seen when an intimate partner attempts to leave.

Further, there is growing awareness that older women experience serious, gendered harm through coercive and controlling behaviours by relatives, particularly in situations of

[8] Older People's Commissioner for Wales, "Controlling or Coercive Behaviour – Statutory Guidance" (June 2022) at 3.
[9] *Serious Crime Act 2015*, s 76.
[10] UK Parliament, Hansard (March 8, 2021) (Baroness Campbell).
[11] *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislative Amendment Act 2024*.
[12] *Crimes Legislation Amendment (Coercive Control) Act 2022 No 65*.
[13] NSW Government, Coercive control and the law.
[14] Parliament of New South Wales, Hansard (October 12, 2022) (Hon. Mark Speakman).
[15] Margaret Isabel Hall, *Discussion Paper: Coercive Control as Elder Abuse in Family Relationship Contexts* (January 2026).

dependency, isolation and cognitive impairment. These dynamics can mirror key elements of intimate partner violence, including patterns of intimidation, financial control and restriction of autonomy, even if they do not always culminate in homicide.

That said, we do know that when women are killed by family members, the accused is most often their own son, accounting for 55 per cent of cases, according to 2024 data from the Canadian Femicide Observatory for Justice and Accountability.[16] In cases of matricide, mental illness is often a key driver, rather than coercive control. But this does not mean that coercive control by family members is rare, benign or irrelevant to older women's safety.

In the United States, Hawaii became the first state to criminalize coercive control, passing legislation in 2020 that made coercive control over a family or household member a petty misdemeanour, punishable up to 30 days in jail and a $1,000 fine.[17]

Ireland currently criminalizes coercive control where the two people are spouses, civil partners, or were previously in an intimate relationship.[18] In 2024, Ireland's Law Reform Commission concluded that this scope "is unduly narrow and limited, when viewed from an adult safeguarding perspective."[19] The Commission explained:

> The Commission is of the opinion that at-risk adults are also exposed to risk of coercive control given how dependent they may be on family members, and those who care for them. It is not uncommon to hear about at-risk adults being isolated from their support networks, deprived of basic needs, coerced, humiliated, controlled or threatened. Coercive behaviour that is encompassed by the coercive control offence applicable to spouses, civil partners and intimate partners, can be used by those in close contact with at-risk adults and have a serious effect on the victim, in much the same way as it does in intimate relationships.[20]

The Commission recommended the creation of a new offence of coercive control of a relevant person that applies to "all persons in a familial, caring or cohabiting relationship with a relevant person whether or not cohabitation is on a contractual or a non-contractual basis or care is being provided on a paid or unpaid basis. This would cover live-in carers as well as lodgers who may not be related to the relevant person."[21]

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[16] For a general discussion, see Sergei V. Jargin, "Elder Abuse and Neglect Versus Parricide" (Dec. 2013) 25:2(3) Int J High Risk Behav Addict. 136 (in particular, see case study 3).
[17] *Haw. Rev. Stat.*, s. 586-1.
[18] *Supra* note 2.
[19] Law Reform Commission, *Report: A Regulatory Framework for Adult Safeguarding*, Vol. 3 at para. 19.167.
[20] *Ibid*. at para. 19.168.
[21] *Ibid*. at para. 19.170.

In South Africa, coercive and controlling behaviours are addressed under domestic violence legislation, which provides victims with access to protection orders.[22] The law recognizes that domestic violence can occur in a wide range of domestic relationships. The term "domestic relationship" includes, *inter alia*, family members and those in a "close relationship that share or shared the same residence."[23]

Provinces in Canada have also begun to recognize this broader, contemporary understanding of family violence—one that extends beyond intimate partner relationships. For example, British Columbia's *Family Law Act* addresses family violence, defining a "family member" to include, *inter alia*, relatives who live together.[24] Saskatchewan has taken steps to address coercive control within family and caregiving contexts through legislative reforms to its *Victims of Interpersonal Violence Act*.[25]

This modern understanding aligns with service-provider data. A 2024–25 Seniors First BC report found that in nearly two-thirds of calls to the Seniors Abuse and Information Line, the alleged abuser was an adult child (32 percent sons and 32 percent daughters). Similarly, Alberta Elder Abuse Awareness Council service data from 2024–25 shows that when older adults seek elder abuse support, 55 percent of cases involve immediate family members (parent, child, sibling), compared with 24 percent involving intimate partners.

The Scottish Model in Context

Bill C-16's coercive control offence follows models such as Scotland's, which has been cited by some women's advocates as the gold standard of coercive control legislation.

In 2017, the Scottish Parliament Justice Committee discussed the offence's scope, defending its narrow application on two grounds: (1) it aligned with how Scottish government and law enforcement define domestic abuse, and (2) it reflected a gendered understanding of domestic violence, as it is predominantly women harmed by men.[26]

Proposals to broaden the offence beyond intimate partners have raised concerns that including elder abuse might dilute the seriousness of the offence, making it less than a true crime. "[I]f we call everything domestic abuse, there is a danger that we dilute it and lose the focus of what we are doing," said one high-ranking legal officer in Scotland.[27] "Suddenly, it might become less important and people might not understand what we are dealing with. We are not saying that, if there is harm in another situation, we should not address that, but

[22] *Domestic Violence Act*, No. 116 of 1998.
[23] *Ibid*, s. 1.
[24] SBC 2011, c 25, s 1.
[25] SS 1994, c V-6.02. *The Cyberstalking and Coercive Control Act* came into force on December 4, 2025.
[26] Scottish Parliament, Justice Committee, Stage 1 Report on the Domestic Abuse (Scotland) Bill, SP Paper 198, 16th Report 2017, Sess. 5 (September 21, 2017) at 24.
[27] Anne Marie Hicks, National Procurator Fiscal for Domestic Abuse, quoted in Scottish Parliament, Justice Committee, Official Report, 21st Meeting 2017, Sess. 5 (June 6, 2017) at 13.

the focus on domestic abuse should remain firmly on partners and ex-partners."[28] Even if one shares this concern, it must be understood in context. Scotland was creating a standalone statute on domestic abuse, not designing an offence for a general criminal code.

Unlike Canada, which has codified most offences in the *Criminal Code*, Scottish criminal offences are not found in a single statute.[29] There is a mix of common law and legislation-based crimes. The *Domestic Abuse (Scotland) Act 2018* created a statutory offence of domestic abuse, with coercive and controlling conduct included within the definition of abusive behaviour.[30] However, the statute is limited to partners and ex-partners, a scope that would be too narrow for Canada's *Criminal Code*, which does not contain specific offences for domestic violence or elder abuse but gives special consideration to these harms at sentencing.[31] The *Code* can simultaneously protect multiple categories of victims while calibrating punishment through prosecutorial discretion and sentencing principles.

Conclusion

We support Bill C-16's objectives to protect women from coercive control by intimate partners, and while the proposed five-year review to consider criminalization in other types of relationships is an encouraging sign that legislators acknowledge that this pattern of abuse can occur beyond intimate partner relationships, the delay is too long.

Older adults who experience coercive and controlling conduct by adult children and others in relationships of trust and dependence deserve to be protected from the moment the offence comes into force. The bill already includes a two-year delay to prepare the justice system for this new offence in the intimate partner context; we are confident that the system can also use this time to be ready for elder abuse cases.

Together with our colleagues in the Elder Justice Coalition, we stand ready to support law enforcement, prosecutors, defence counsel, and other stakeholders in developing the knowledge and resources needed for implementation within that timeline.

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[28] *Ibid*.
[29] See generally Timothy J. Jones, "Towards a Good and Complete Criminal Code for Scotland" (May 2005) 68:3 Modern Law Rev. 448.
[30] *Domestic Abuse (Scotland) Act 2018*.
[31] See e.g., *Criminal Code*, RSC 1985, c C-46, s. 718.