

Submission to the Standing Committee on Justice and Human Rights of the House of Commons

RE: Bill C-16, An Act to amend certain Acts in relation to criminal and correctional matters (child protection, gender-based violence, delays and other measures)

Introduction

The National Institute on Ageing (NIA) appreciates the opportunity to make submissions to the Standing Committee on Justice and Human Rights on Bill C-16. We commend the government's initiative to criminalize coercive control in intimate partner relationships. However, we are concerned that the bill's narrow scope leaves many older adults vulnerable to ongoing abuse and exploitation.

Founded in 2016, the NIA is a research institute housed at Toronto Metropolitan University with a mission to improve the lives of older adults and the systems that support them. Over the past 10 years, the NIA has become Canada's leading voice on ageing policy. Our vision remains clear: a Canada where older adults feel valued, included, supported and better prepared to age with confidence.

With respect to older adults, non-intimate partner abuse (e.g., by adult children and informal caregivers) accounts for most elder abuse cases. We therefore recommend Bill C-16 be amended to cover:

- (1) current or former intimate partners,
- (2) relatives, or
- (3) informal caregivers (defined as those having an informal care relationship, whether paid or unpaid, other than those covered by regulated professional services).

Without this amendment, Bill C-16 risks creating a two-tier system of justice. Limiting the offence to intimate partner relationships, the bill denies older adults who experience coercive control at the hands of relatives or informal caregivers the same level of protection afforded to intimate partners. This restriction risks establishing differential legal treatment between groups of victims. Given the prevalence of coercive control of older adults outside intimate partner relationships, Parliament should amend Bill C-16 to ensure protection is not delayed for those most vulnerable. We urge the Committee to adopt the proposed amendments so that the offence comes into force with equal protection for older adults.

Coercive Control as a Form of Elder Abuse

Elder abuse is defined by the World Health Organization as a single or repeated act or lack of appropriate action occurring within any relationship of trust that causes

harm or distress to an older person. It can occur in either community or institutional settings and can take many forms, including financial abuse, neglect, psychological abuse, sexual abuse and physical abuse.¹

Canada currently lacks a dedicated offence for coercive control. Cases of intimate partner violence (IPV) and abuse of older adults are typically prosecuted under individual incident-based offences, such as assault, threats, or extortion.² Under the *Criminal Code*, “intimate partner” refers only to spouses, common-law partners, and dating partners. This narrow definition means that any new IPV offence based on intimate partners would fail to address abuse by adult children, friends, or caregivers, particularly in situations where an older adult is dependent on the abuser but is not an “intimate partner.”³

Elder Abuse Through Coercive Control

Prevalence and Perpetrators of Elder Abuse

Older adults experience violence not just from intimate partners, but also from family members and caregivers.⁴ According to a Statistics Canada's 2024 report, 36% of older adult victims of family violence were victimized by their child, while 28% were victimized by a spouse.⁵ When combined with victimization by other relatives (11% by siblings and 25% by extended family), non-intimate partner abuse accounts for the majority of elder abuse cases.⁶

As noted by Dementia Justice Canada in its submission to this Committee, service provider data reinforces these patterns. In 2024-25, adult children were the alleged abuser in nearly two-thirds of calls to Seniors First BC's Seniors Abuse and Information Line (32% sons and 32% daughters). Similarly, Alberta Elder Abuse Awareness Council data showed that 55% of cases involve immediate family members (parent, child, sibling), compared with only 24% involving intimate partners.⁷

¹ World Health Organization. (n.d.). Abuse of older people. Retrieved February 11, 2026, from <https://apps.who.int/violence-info/abuse-of-older-people/>.

² Department of Justice Canada, “Brief overview of coercive control and the criminal law” (updated 2024), online: <https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd17-rr17/p4.html>.

³ *Criminal Code*, RSC 1985, c C-46, s. 2 “intimate partner”.

⁴ Informal caregivers are family members, friends, or neighbours who provide care on a non-professional basis and are usually unpaid; by contrast, care providers are trained personnel working within regulated care systems and are generally paid.

⁵ Statistics Canada, The Daily, “Trends in police-reported family violence and intimate partner violence in Canada, 2024” (28 October 2025) at paras 83–87 online: <https://www150.statcan.gc.ca/n1/daily-quotidien/251028/dq251028a-eng.htm>.

⁶ Statistics Canada, “Trends in police-reported family violence and intimate partner violence, 2024” (28 October 2025) at paras 83-87, online: <https://www150.statcan.gc.ca/n1/daily-quotidien/251028/dq251028a-eng.htm>.

⁷ Dementia Justice Canada, “Submission to the Standing Committee on Justice and Human Rights (JUST), Bill C-16: Protecting Victims Act—Proposed amendment to the coercive control offence” (February 2026) at 7.

This data demonstrates a fundamental disparity between the scope of the current draft of Bill C-16 and the reality of elder abuse.

Coercive Control is a Form of Elder Abuse

The Australian Attorney-General's Department confirms that “an adult child can use coercive control against a parent, or a person can use coercive control against an older family member they are caring for.”⁸ Coercive control can be described as “gradual but escalating abuse, which can engender in the older adult a state of fear, anxiety and dependency, along with the loss of autonomous decision-making and personhood.”⁹

In elder abuse contexts, coercive control frequently manifests through:¹⁰

- Economic abuse and financial exploitation;
- Restricted or mismanaged medication;
- Forced isolation from friends, family, or the community;
- Threats, monitoring, or spoken to with constant humiliation; and
- Denying access to transportation, mobility aids, or communication tools.

These patterns of abuse erode an older person's freedom and independence, reinforcing the urgent need to recognize coercive control as a form of elder abuse that extends well beyond intimate partner relationships.¹¹

Coercive Control in Caregiving

While the vast majority of informal caregivers, provide appropriate and compassionate support, it is important to acknowledge that not all caregiving relationships are free from harm. As the Canadian Network for the Prevention of Elder Abuse (CNPEA) notes, “caregivers, particularly those supporting individuals with cognitive impairments, may unintentionally or deliberately restrict an older adult's autonomy, often justifying these actions as necessary for care and protection.”¹² The inherent power imbalance in caregiving can create situations in which behaviours emerge that would be recognized as coercive control in an intimate partner relationship.

⁸ Australian Government, Attorney-General's Department, “Understanding how coercive control can affect older people” (5 March 2024), online: <https://www.ag.gov.au/sites/default/files/2024-02/understanding-how-coercive-control-can-affect-older-people.PDF>.

⁹ Quinlan F, Donnelly S, O'Donnell D (2024), “Coercive control of older adults in filial relationships: a hybrid concept analysis”. *The Journal of Adult Protection*, Vol. 26 No. 6 pp. 279–295, doi: <https://doi.org/10.1108/JAP-06-2024-0033>.

¹⁰ British Columbia Community Response Networks, “Aging on the Hill” (n.d.), online: <https://bccrns.ca/prevention-and-awareness/aging-on-the-hill>.

¹¹ Australian Government, Attorney-General's Department, *supra* note 8.

¹² CNPEA, Senate Standing Committee on Legal and Constitutional Affairs: Coercive Control (March 2025), online: https://cnpea.ca/images/cnpea_coercive_control_submission_march_2025.pdf. (Prorogation of Parliament in 2025 meant that CNPEA's submission on Bill C-332 was unlikely to have been considered by the Committee.)

While psychological and emotional abuse are widely recognized as significant components of elder abuse, academic research demonstrates that coercive control within caregiving relationships remains insufficiently examined. This gap limits the ability of legislators to fully assess the scope of harms arising in caregiving settings, particularly where dependencies and power asymmetries may enable conduct comparable to legally recognized forms of domestic abuse.¹³ In caregiving relationships, particularly where cognitive impairment results in dependence, protective intentions can result in reduced autonomy and increased control over daily life. Evidence on dementia-related stigma indicates that carers may, often unintentionally, infantilise the person living with dementia and restrict their autonomy in ways that diminish independence and personal agency.¹⁴ This dynamic can cross the line into harmful control when “protective” restrictions become routine rather than exceptional, are imposed primarily for caregiver convenience or discipline.¹⁵ Separately, qualitative research on dementia caregiving documents that caregiver stress and frustration can sometimes escalate into psychologically harmful interactions, such as criticism, verbal outbursts, or blaming.¹⁶

International Approaches to Coercive Control

England & Wales

England and Wales criminalize controlling or coercive behaviour where parties are “personally connected.” Originally requiring cohabitation, the law was amended in 2023 to remove this requirement, recognizing that abusers and victims do not always live together.¹⁷ The statute includes a caregiving-relevant safeguard: a defence where the accused shows they believed they were acting in the victim's best interests and the behaviour was reasonable in the circumstances. This safeguard addresses concerns about criminalizing legitimate care while still protecting older adults from abuse.¹⁸

¹³ Melissa M. Deadrach, *Hidden Pain and Invisible Control* (Purdue University Global, 2025), online: <https://purdueglobal.dspacedirect.org/server/api/core/bitstreams/eaec79b7-623e-40d3-a1d7-e27dc827c6c2/content>.

¹⁴ D. Oliveira et al, “Experiences of Stigma and Discrimination among People Living with Dementia and Family Carers in Brazil: Qualitative Study” (2023) 43:2 *Ageing & Society* 447, online: <https://doi.org/10.1017/S0144686X21000660>.

¹⁵ Alzheimer Society of Canada, “Using restraints” (webpage), online: Alzheimer Society of Canada <https://alzheimer.ca/en/help-information/im-caring-person-living-dementia/ensuring-safety-security/using-restraints>.

¹⁶ Sidra Ali & Iram Zehra Bokharey, “Caregiving in dementia: Emotional and behavioral challenges” (2016) 42:7 *Educational Gerontology* 455 at 458-460.

¹⁷ *Serious Crime Act 2015* (UK), c 9, s 76, online: <https://www.legislation.gov.uk/ukpga/2015/9/section/76>; *Domestic Abuse Act 2021* (UK), c 17, s 68, online: <https://www.legislation.gov.uk/ukpga/2021/17/section/68>.

¹⁸ *Serious Crime Act 2015*, *supra* note 17, s 76(8)-(10).

Ireland

Ireland currently criminalizes coercive control within the limited context of spouses, civil partners, or those who previously in an intimate relationship.¹⁹ However, in 2024, Ireland's Law Reform Commission conducted an extensive review and concluded that the current scope of the offence is unduly narrow and limited. The Commission explained:²⁰

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.*

The Commission recommended the creation of a new offence that applies to the:

"...coercive control by 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

Queensland, Australia

Queensland's coercive control offence is notable for its explicit protection of older adults. The offence expressly covers coercive control against:

1. Past and present intimate partners;
2. Wider family relationships; and
3. Informal care relationships.²²

Queensland's model represents the clearest relationship architecture for protecting older adults from informal caregivers and provides Canada with a concrete example for expanding the scope of relevant relationships beyond just intimate partners.

¹⁹ *Domestic Violence Act 2018* (Ireland), No 6 of 2018, s 39, online:

<https://www.irishstatutebook.ie/eli/2018/act/6/section/39/enacted/en/html>.

²⁰ Law Reform Commission (Ireland), "Report: A Regulatory Framework for Adult Safeguarding, vol 3" (16 April 2024) at para 19.167-19.168, online: <https://www.lawreform.ie/fileupload/Reports/as/lrc-128-vol-3-160424-final.pdf>. [*emphasis added*]

²¹ *Ibid* at para 19.170.

²² Government of Queensland, "Coercive control laws," online: <https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/need-to-know/coercive-control/coercive-control-laws>; *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislative Amendment Act 2024* (Qld).

New South Wales, Australia

New South Wales (NSW) criminalized coercive control in 2024 but restricted the offence to conduct involving current or former intimate partners. This narrow scope revealed limitations in protection, prompting the NSW government in 2026 to commit to a legislative review to assess whether they should expand the offence to include other types of relationships, including older adults.²³ NSW's experience demonstrates the risks of adopting an overly limited framework, risks Canada can proactively avoid.

Lessons for Canada

International experience highlights several key lessons. First, jurisdictions that restricted coercive control offences to intimate partners are now acknowledging the need to broaden their scope, as seen in NSW and Ireland. Second, Queensland and Ireland's Law Reform Commission have already or are recommending moving toward explicitly including caregiving relationships. Finally, experts and elder abuse advocates consistently emphasize the importance of extending protections beyond intimate partner contexts.

Canada has the opportunity to design a coercive control offence correctly from the outset, rather than repeating the mistakes of jurisdictions that adopted narrow approaches and are now recognizing the need for reform.

Why the Intimate Partner Limitation Fails Older Adults

Criminalizing coercive control is intended to allow early intervention before non-physical patterns of domination escalate into severe abuse. This need for early protection applies just as strongly to older adults who experience coercive control from family members or informal caregivers.

As Dementia Justice Canada and others have noted, intimate partner violence and elder abuse share core features:²⁴ isolation from support networks; power imbalances between perpetrator and victim; sustained patterns of controlling behaviour; significant barriers to leaving or reporting; escalation over time; and an elevated risk of homicide. Given these shared characteristics, it is difficult to justify providing criminal law protections for domestic abuse while excluding mistreatment of older adults.

²³ Government of New South Wales, "Coercive control and the law," online: <https://www.nsw.gov.au/family-and-relationships/coercive-control/law>.

²⁴ Dementia Justice Canada, "Submission to the Standing Senate Committee on Legal and Constitutional Affairs: Bill C-332: An Act to amend the Criminal Code (coercive control of intimate partner)" (January 2025) at 2-3. (Similar to CNPEA's submission on Bill C-332, prorogation of Parliament in 2025 meant that it was unlikely to have been considered by the Committee at that time.)

Constitutional and Human Rights Concerns

As drafted, Bill C-16 creates a legislative gap that renders the proposed coercive control offence vulnerable to challenge under section 15 of the Canadian Charter of Rights and Freedoms. By limiting the offence to intimate partner relationships, the bill denies older adults who experience coercive control at the hands of relatives or informal caregivers the same level of protection afforded to intimate partners. This restriction risks establishing differential legal treatment between groups of victims.

Given that coercive control manifests in both intimate partner and elder abuse contexts through comparable patterns of domination, isolation, and harm, it is difficult to justify limiting the offence to a narrow subset of relationships. Ensuring equal protection to all those subjected to coercive control is essential to meeting both constitutional obligations and the bill's stated policy objectives.

Article 16 of the United Nations Convention on the Rights of Persons with Disabilities, to which Canada is a party, requires Parties to “[t]ake all appropriate legislative, administrative, social, educational, and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.”²⁵

Many older adults experiencing coercive control live with cognitive impairments, physical disabilities, or mental health conditions. Article 16 makes clear that individuals with disabilities must be protected from abuse and exploitation, including when it occurs in their own homes. Limiting Bill C-16's coercive control offence solely to intimate partners does not provide the level of protection required to meet Canada's international obligations.

Recommended Amendments

Expand the Relationship Element

To ensure older adults are appropriately protected, the NIA proposes amending Bill C-16's coercive control offence to include older adults, their relatives, and informal caregivers. This involves amending the coercive control offence so that it applies where the complainant is a protected person in relation to the accused, meaning the complainant is:

1. a current or former intimate partner,
2. a relative (including adult child-parent, siblings, or other relatives), or
3. in an informal caregiving relationship where support is provided outside the scope of regulated professional services.

We note that Dementia Justice Canada has proposed a staged approach whereby the offence would initially apply to intimate partners and relatives, with a commitment to a two-year parliamentary review to consider extending the offence

²⁵ Convention on the Rights of Persons with Disabilities, 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008) art 16.

to informal caregivers. While we respect this approach as a pragmatic minimum, we believe the evidence supports immediate inclusion of informal caregivers in the offence.

The specific changes we recommend for the proposed coercive control provision:

Coercion or control of ~~intimate partner~~ protected 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 protected person described in subsection (6) to believe that ~~the intimate partner's~~ their safety is threatened or knowing that, or being reckless as to whether, the pattern of coercive or controlling conduct would cause ~~their intimate partner~~ that person to believe that ~~the intimate partner's~~ their safety is threatened.

Pattern of coercive or controlling conduct

(2) A pattern of coercive or controlling conduct consists of any combination, or repeated instances, of any of the following acts:

(a) using, attempting to use or threatening to use violence against

(i) ~~the intimate partner~~ protected person,

(ii) any person under the age of 18 who is the ~~intimate partner's~~ protected person's child or who is in the ~~intimate partner's~~ protected person's lawful care or charge,

(iii) any other person known to the ~~intimate partner~~ protected person, or

(iv) any animal that is in the care or is the property of the ~~intimate partner~~ protected person;

(b) coercing or attempting to coerce the ~~intimate partner~~ protected person to engage in sexual activity;

(c) engaging in any other conduct – including conduct listed in any of the following subparagraphs – if, in all the circumstances, the conduct could reasonably be expected to cause the ~~intimate partner~~ protected person to believe that the ~~intimate partner's~~ protected person's safety, or the safety of anyone known to them, is threatened:

(i) controlling, attempting to control or monitoring the ~~intimate partner's~~ protected person's location, movements, actions or social interactions, including by a means of telecommunication,

(ii) controlling or attempting to control the manner in which the ~~intimate partner~~ protected person cares for any person under the age of 18 referred to in subparagraph (a)(ii) or any animal referred to in subparagraph (a)(iv),

(iii) controlling or attempting to control any matter related to the ~~intimate partner's~~ complainant's employment or education,

(iv) controlling or attempting to control the ~~intimate partner's~~ protected person's finances or other property or monitoring their finances,

(v) controlling or attempting to control the ~~intimate partner's~~ protected person's expression of gender, physical appearance, manner of dress, diet, taking of medication or access to health services or to medication,

(vi) controlling or attempting to control the ~~intimate partner's~~ protected person's expression of their thoughts, their opinions, their religious, spiritual or other beliefs, or their culture, including the ~~intimate partner's~~ protected person's use of their language or their access to their linguistic, religious, spiritual or cultural community, or

(vii) threatening to die by suicide or to self-harm.

Circumstances

(3) The circumstances referred to in paragraph (2)(c) include the nature of the relationship between the accused and the ~~intimate partner~~ protected person, in particular whether the ~~intimate partner~~ protected person is in a position of vulnerability in relation to the accused and whether the accused manipulated the ~~intimate partner~~ protected person by targeting their vulnerabilities.

...

Definitions

(6) In this section,

(a) protected person means a person who is

(i) the accused's intimate partner,

(ii) the accused's relative, or

(iii) in an informal care relationship with the accused;

(b) informal care relationship means a relationship in which, because of age, disability, or another condition creating dependence or vulnerability, one person relies on the other for assistance, care, or support in relation to daily living, and the other person provides or undertakes to provide that assistance, care, or support, whether paid or unpaid, other than solely in the course of providing regulated professional services.

Conclusion

Bill C-16 represents an important opportunity to address coercive control in Canada. However, as currently drafted, the bill overlooks one of the most vulnerable populations: older adults subjected to coercive control by adult children, relatives, and informal caregivers.

A coercive control offence that does not clearly apply to those other than intimate partners will fail older Canadians most at risk. Parliament has the opportunity to craft legislation that protects everyone who needs it. Extending the offence to cover adult children, relatives, and informal caregivers would uphold the law's core intent and affirm that protecting older adults from coercive control is essential.

The National Institute on Ageing urges the Committee to amend Bill C-16 to ensure the coercive control offence provides equal protection to all Canadians experiencing this serious form of abuse.

Respectfully submitted by:

Rizwan Khan, J.D.
Legal Researcher & Analyst
National Institute on Ageing
rizwan.khan@torontomu.ca

Talia Bronstein,
Director of Policy,
National Institute on Ageing
tbronstein@torontomu.ca