

June 2026

Submission to the Standing Senate Committee on Legal and Constitutional Affairs

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 Legal and Constitutional Affairs 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 a 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.

We are a member of the Elder Justice Coalition, an ad hoc group of 17 organizations from across Canada that are calling for the proposed coercive control offence to protect victims of elder abuse.

We support Bill C-16's objectives to protect women from coercive control by intimate partners. 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.

Summary of Recommendations

Parliament has a critical opportunity to act now to ensure that the criminal law protects elder abuse victims from the harms of coercive control. To support the justice system as it prepares for this new offence, we propose an incremental approach: First, we propose amending Bill C-16, so the coercive control offence applies beyond intimate partners and captures abuse committed by relatives. Then after two years of implementation of this scope, we encourage the government to commit to a review of considering expansion to informal caregivers and other relationships characterized by trust and dependence.

However, if Parliament chooses to proceed with the scope of the offence limited to intimate partners, 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.

Coercive Control and Elder Abuse

Our recommendations reflect the challenge that many older adults experiencing coercive control cannot simply leave the relationship in which abuse occurs. Coercive control is a form of entrapment, or a “capture crime,” in which the perpetrator uses an ongoing relationship to secure personal benefits or privileges from the victim through a pattern of domination, manipulation, intimidation, isolation, and dependency. In intimate partner relationships, these benefits include personal services, control over material resources, and access to sex. When coercive control occurs in close personal relationships involving older adults, the “privileges” sought are primarily, though not exclusively, material or economic, such as a place to live (residence capture), access to financial assets, and personal support and services provided by the victim.

Because the abuse is embedded within a relationship of trust, victims may tolerate, rationalize, or struggle to identify conduct that would be readily recognized as unacceptable if perpetrated by a stranger. Shame, fear, emotional attachment, psychological manipulation, and dependency can make escape extraordinarily difficult.

Statistics

Recent data highlight concerning realities:

- Since 2018, family violence against older persons in Canada has increased by 49%, according to Statistics Canada.¹

¹ Statistics Canada, The Daily, “Trends in police-reported family violence and intimate partner violence in Canada, 2024” (28 October 2025) at p. 4, online: <https://www150.statcan.gc.ca/n1/daily-quotidien/251028/dq251028a-eng.pdf>.

- In 2024 alone, Statistics Canada reported there were 7,622 older adult victims of police-reported family violence, representing a 4% increase from the previous year.²
- According to Statistics Canada, in 2024, older adult victims of family violence were most often victimized by their child (36%), followed by a spouse (28%) or another type of family member (25%), while 11% were victimized by a sibling. Among senior women victims, their child (34%) or spouse (32%) was most often the perpetrator.³
- A Seniors First BC report (2024-25) shows that nearly two-thirds of calls made to the Seniors Abuse and Information Line alleged the abuser was an adult child (32% sons and 32% daughters).⁴
- Alberta Elder Abuse Awareness Council service data (2024–25) shows that when older adults seek elder abuse support, 55% involve immediate family members (parent, child, sibling), compared with 24% involving intimate partners.⁵
- Women and Gender Equality (WAGE) reports that economic abuse, a core component of coercive control, is the most common form of mistreatment of older persons in Canada.⁶

Entrapment and the Limits of Exiting

While a coercive control offence that applies to relatives has the potential to prevent elder abuse from escalating into serious physical harm, criminal neglect, or even death, a demonstrated connection to lethal violence should not be a prerequisite for criminalization. While the link between coercive control and intimate partner homicide is now well-established, the “triggering event” – the victim’s attempt to extricate themselves from the relationship – is less likely in intergenerational family contexts involving adult children, grandchildren, or other family members.

Many older adults 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.

² *Ibid.*

³ *Ibid.*

⁴ 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.

⁵ *Ibid.*

⁶ Women and Gender Equality Canada (WAGE). (2026) “Economic abuse” online:

<https://www.canada.ca/en/women-gender-equality/gender-based-violence/economic-abuse.html>.

The absence of a well-documented connection between coercive control and homicide in elder abuse cases should not be mistaken for an absence of serious harm.

International Approaches and Lessons for Canada

Several jurisdictions have already criminalized coercive control beyond intimate partners. In England and Wales, the offence extends to family relationships 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.⁷

Queensland, Australia goes further by applying the offence to family members and informal caregivers. The offence expressly covers coercive control against:⁸

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

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.

New South Wales (NSW), Australia criminalized coercive control in 2024 but restricted the offence to conduct involving current or former intimate partners. The narrow scope revealed limitations in protection, prompting the NSW government in 2026 to commit to a review of the offence to assess whether it should be expanded to include other types of relationships, including older adults.⁹

In Ireland, the Law Reform Commission has recommended creating a coercive control offence that would protect people in relationships beyond intimate partners. Ireland currently criminalizes coercive control within the limited context of spouses, civil partners, or those who were previously in an intimate relationship.¹⁰ In 2024, Ireland's Law Reform Commission conducted an extensive review of the offence and

⁷ *Serious Crime Act 2015* (UK), c 9, s 76: <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>.

⁸ Government of Queensland, “Coercive control laws”: <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).

⁹ Government of New South Wales, “Coercive control and the law”: <https://www.nsw.gov.au/familyand-relationships/coercive-control/law>.

¹⁰ *Domestic Violence Act 2018* (Ireland), No 6 of 2018, s 39: <https://www.irishstatutebook.ie/eli/2018/act/6/section/39/enacted/en/html>.

concluded that its current scope is unduly narrow. In the Commission’s opinion, “[c]oercive 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.”¹¹ As a result, 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.”¹²

International experience highlights 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 non-intimate partner relationships. Finally, experts and elder abuse advocates consistently emphasize the importance of extending protections beyond intimate partner contexts.

Canada can avoid repeating the mistakes of jurisdictions that adopted narrow approaches and are now recognizing the need to design a coercive control offence that protects all potential victims.

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:¹³ 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

¹¹ Law Reform Commission (Ireland), “Report: A Regulatory Framework for Adult Safeguarding, vol 3” (16 April 2024) at para 19.167-19.168: <https://www.lawreform.ie/fileupload/Reports/as/lrc-128-vol-3160424-final.pdf>.

¹² *Ibid* at para 19.170.

¹³ 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.)

providing criminal law protections for domestic abuse while excluding mistreatment of older adults.

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.”¹⁴

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

Our proposed amendment to Bill C-16 would extend the coercive control offence beyond intimate partners to capture abuse committed by relatives. We further encourage the government to commit to a review after two years of implementation, to consider expanding the offence to include informal caregivers and other relationships characterized by trust and dependence.

Expand the Relationship Element

~~Coercion or control of intimate partner~~ Coercive control

¹⁴ Convention on the Rights of Persons with Disabilities, 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008) art 16.

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.

Review by Senate and House of Commons

118.1 ~~Five years~~ Two years 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 and those involving relatives.

Alternative: Immediate Parliamentary Review

In the alternative, if the original scope remains limited to intimate partners, 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.

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 can craft legislation that protects everyone who needs it. Extending the offence to cover adult children and relatives 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.

For more information, please contact:

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