



VIA EMAIL

18 August 2024

The Senate of Canada
Ottawa, ON K1A 0A4

Dear Senators:

**Re: Coercive Control and Elder Abuse
Bill C-332, An Act to amend the Criminal Code (coercive control of intimate partner)**

On behalf of Dementia Justice Canada, I am writing to express concern about the limited scope of Bill C-332, which would make coercive control by intimate partners a standalone offence in the Criminal Code, punishable up to 10 years in prison for the most serious cases. In particular, we urge parliamentarians to expand the categories of persons covered by the offence to include abusive adult children and other perpetrators of non-domestic partner elder abuse.

Established in 2017, Dementia Justice Canada is a small nonprofit dedicated to safeguarding the rights and dignity of people with dementia who enter the criminal justice system.

Bill C-332 is a welcome measure to address domestic violence; however, it does not help seniors, including those with dementia, who are harmed by their coercive and controlling adult children and other relatives such as grandchildren. These abusers would escape prosecution under the new provision, as would all other perpetrators that are not intimate partners, which the Criminal Code defines as current or former spouses, common-law partners and dating partners.

As you know, Bill C-332 was passed by the House of Commons in June 2024 and is now with the Senate at second reading. When tabled in May 2023, the proposed law included a broader scope of perpetrators. It would have covered categories of persons like abusive adult children who live with their elderly parent, though this scope was also too restrictive because perpetrators do not always reside with their victims nor are they always family members.

After the Standing Committee on Justice and Human Rights studied the bill, it reported back to the House in March 2024, with an amended bill that was limited to intimate partners.

While some jurisdictions that have criminalized coercive control also take this narrow approach, others have extended the scope beyond intimate partners. For instance, England and Wales, which first created the offence in 2015, criminalize coercive control by family members, and in 2023, legislators removed the cohabitation requirement, casting an even wider net of perpetrators that recognizes controlling relatives do not always live with their victims.

“The criminalisation of coercive control is an important step forward in securing older people’s right to access criminal justice,” said the Older People’s Commissioner for Wales, an independent watchdog for elder rights.

In the U.S., 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.

In Australia, Queensland’s forthcoming law will criminalize coercive control in domestic relationships, defined broadly as intimate personal relationships, family relationships and informal care relationships. The law is expected to take effect in 2025.

New South Wales criminalized coercive control this year, though it is limited to intimate partners. However, there is hope that the law might evolve, as the state’s attorney general said that the government might consider expanding the scope in the future.

Canada can get it right the first time.

By amending Bill C-332 in ways that address familial and other non-domestic partner elder abuse, Parliament can send a clear message to coercive and controlling adult children and other perpetrators that their harmful behaviour against seniors will not be tolerated.

When the Senate resumes in September, we would appreciate the opportunity to submit a brief on Bill C-332, adding our voice to the discussion along with other elder justice organizations and experts who can provide recommendations for strengthening the proposed law in a manner that protects seniors and holds their coercive and controlling abusers accountable.

In the meantime, please do not hesitate to contact me if you have any questions. I can be reached at heather@dementiajustice.ca.

Thank you for your time and consideration.

Yours sincerely,

Heather Campbell Pope, BA (Hons.), LLB, LLM
Founder
Dementia Justice Canada