



Submission to the Standing Committee
on Justice and Human Rights

Bill C-16: *Protecting Victims Act*

Proposed amendment to the coercive control offence

February 2026

Introduction

This submission addresses one question: Should the proposed coercive control offence in Bill C-16, which is currently limited to intimate partner relationships, also protect elder abuse victims? 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 16 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.

The following illustrative account shows how coercive and controlling conduct can take hold in conditions of isolation, and why criminal law protection is necessary.

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

A Story of Abuse

Mrs. Ellerson, 82, has dementia. She has been cut off from her bank account after being told she is “too stupid” to manage money, her mail is intercepted, the landline cancelled, and she has no cell phone. Visits with friends are prohibited, and she is not allowed to attend her book club. “No one else cares about you,” she is told. “I’m all you’ve got.”

Her medications are withheld, and she faces routine threats: “I’ll throw you down the stairs, old hag!” she hears as her diaper is changed. Her wheelchair and hearing aids are broken. Mrs. Ellerson’s days are structured around avoiding conflict, where compliance feels safer than seeking help.

If the person exerting control over Mrs. Ellerson is her spouse, Bill C-16’s coercive control offence would offer protection. If it is her son or daughter, however, it would not, because the offence is limited to intimate partner relationships. This legal gap raises an equality concern, as elder abuse often involves adult children, grandchildren, siblings, or caregivers who control money, housing, medical care, and access to friends and family.

Proposed Amendment

To address this gap, Dementia Justice proposes amending Bill C-16 so that the coercive control offence extends beyond intimate partners to include relatives, and that the legislation be reviewed two years after implementation to consider extending it further to informal caregivers and others in relationships of trust and dependence.

The specific wording we propose is:

Coercion or control of intimate partner relevant 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

We believe this amendment would help ensure that Bill C-16 protects older adults like Mrs. Ellerson who experience coercive control from family members.

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

This oversight is occurring despite the fact that family violence against older persons in Canada has increased by 49 percent since 2018, according to Statistics Canada.⁴

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

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
- (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
- (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 Statistics Canada, [Trends in police-reported family violence and intimate partner violence in Canada, 2024](#) (10 2025 28).

federal policy definition of senior abuse.⁵ That same year, experts also raised the problem of coercive and controlling behaviour when this Committee studied elder abuse.⁶

Often motivated by personal gain, elder abusers frequently engage in behaviours that intimidate, exploit and isolate their victims. They might repeatedly threaten violence to extract money, withhold food, mobility aids, or incontinence products, or prevent visitors from seeing the older adult without lawful authority.

Perpetrators might also overmedicate or physically restrain their victims, particularly those with dementia, a condition that increases their vulnerability to abuse.⁷ For example, an older adult with dementia might be tied to a chair or have mittens taped to their hands to stop repetitive scratching or other fidgeting. “The noise drives me nuts while watching TV,” a woman tells her concerned sibling.

Abusers sometimes rely on ageist attitudes to rationalize their behaviour.⁸ “Dad will be dead soon anyway,” a daughter thinks as she moves her housebound father into an unfinished basement with no running water. She also cuts the cable and cancels home care services.

Over time, the intensity of abuse often worsens,⁹ particularly as the victim’s care needs increase. “Transfer me the house or else I’ll put you in a nursing home!” an inheritance-greedy son yells at his frail mother. Frightened, she signs over the property, while lawyers miss the red flags, charmed by the manipulative man who skillfully hides his selfish motives.

Sometimes the escalating abuse is excused as caregiver burden.¹⁰ “My sisters aren’t doing anything to help,” a frustrated brother tells himself as he withdraws increasing amounts of money from a joint account he shares with his mother, originally set up when he first shopped for her groceries. She has little ability to challenge his actions or protect herself, and because it is her son, she feels pressured to tolerate his behaviour.

Much of this abuse is hidden, and these stories often go untold.¹¹

⁵ Government of Canada, Employment and Social Development Canada, [Consultation on a federal policy definition of senior abuse: What we heard](#) (October 2023).

⁶ 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.

⁷ 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.

⁸ See e.g., Marie Beaulieu, [Mistreatment of Older Persons: Federal Policy Definition](#) (Explanatory Document Prepared for the Government of Canada, Employment and Social Development Canada) (October 2023).

⁹ Government of Ontario, [What You Need to Know About Elder Abuse](#).

¹⁰ For a general discussion, see Georgia J. Anetzberger, “[Caregiving: Primary Cause of Elder Abuse?](#)” Summer 2000 24:2 Abuse and Neglect of Older People 46.

¹¹ 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.

Many elder abuse victims are afraid to tell others about their suffering, let alone report it to the police. They want the abuse to stop but may feel overwhelmed with shame, embarrassment, and fear of retaliation. Some worry that no one will believe them. Victims with cognitive impairments, such as dementia, may be unable to seek help. Many live in fear and may be unable to grasp the full magnitude of the abuse, while others lack the cognitive insight to recognize they are being mistreated.

This is where criminal law must step in. Elder abuse is not only a private wrong, but also a crime against society. For too long, many cases have gone unprosecuted, leaving victims without justice and abusers undeterred. Even when a victim does not actively ask for the abuse to stop, this reflects the very domination and control that the coercive control offence is designed to address. The criminal law plays a critical role in naming the harm, holding abusers accountable, and providing protection in situations where victims, especially mothers abused by their children, find it particularly difficult to report the abuse.

International Examples

Amid calls to include elder abuse in legal reforms addressing coercive control, a number of jurisdictions have acted to criminalize coercive control 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 rights.¹² In 2023, legislators removed the cohabitation requirement, recognizing that abusers and victims do not always live together.¹³

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.”¹⁴ 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.

Gibraltar criminalizes patterns of controlling or coercive behaviour that occur in relationships between intimate partners, former partners who still live together, or family members.¹⁵ “This offence sends a clear message that this form of domestic abuse is a serious offence, particularly in light of the violation of trust it represents, and will provide

¹² Older People’s Commissioner for Wales, “[Controlling or Coercive Behaviour – Statutory Guidance](#)” (June 2022) at 3.

¹³ [Serious Crime Act 2015, s 76](#).

¹⁴ UK Parliament, [Hansard](#) (March 8, 2021) (Baroness Campbell).

¹⁵ [Domestic Abuse Act 2023, s. 3](#).

better protection to victims experiencing repeated or continuous abuse,” says the government in its national domestic abuse strategy.¹⁶

As of May 2025, Queensland, Australia, criminalizes coercive control in domestic relationships, broadly defined as intimate personal relationships, family relationships, and informal care relationships.¹⁷ The law carries a maximum penalty of 14 years’ imprisonment.

In 2024, New South Wales (NSW), Australia, criminalized coercive control of intimate partners.¹⁸ The government has committed to reviewing the legislation in 2026 to consider whether it should be expanded to other types of relationships.¹⁹

The NSW Attorney-General defended the law’s initially narrow scope on the grounds that evidence linking coercive control to homicide is strongest in the context of intimate partner relationships.²⁰ However, as noted by Canadian law and ageing expert Professor Margaret Hall, a connection to homicide is not a prerequisite for criminalization.²¹ While the link between lethal violence and coercive control outside of intimate partnerships has not been systematically studied, the dynamics differ: the “triggering event” often cited in intimate partner cases—the victim’s attempt to leave the relationship—is far less likely in intergenerational family contexts. Older adults cannot “divorce” their children or grandchildren, and they are more likely to remain in the relationship, enduring abuse while the perpetrator continues to benefit from control. In these circumstances, lethal violence is rarely necessary for the abuser to maintain dominance.

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.²²

Ireland currently criminalizes coercive control where the two people are spouses, civil partners, or were previously in an intimate relationship.²³ In 2024, Ireland’s Law Reform Commission concluded that this scope “is unduly narrow and limited, when viewed from an adult safeguarding perspective.”²⁴ 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

¹⁶ HM Government of Gibraltar, [Gibraltar National Domestic Abuse Strategy 2023-2028](#) at 9.

¹⁷ [Criminal Law \(Coercive Control and Affirmative Consent\) and Other Legislative Amendment Act 2024](#).

¹⁸ [Crimes Legislation Amendment \(Coercive Control\) Act 2022 No 65](#).

¹⁹ NSW Government, [Coercive control and the law](#).

²⁰ Parliament of New South Wales, Hansard (October 12, 2022) (Hon. Mark Speakman).

²¹ Margaret Isabel Hall, *Discussion Paper: Coercive Control as Elder Abuse in Family Relationship Contexts* (January 2026).

²² [Haw. Rev. Stat., s. 586-1](#).

²³ *Supra* note 2.

²⁴ Law Reform Commission, [Report: A Regulatory Framework for Adult Safeguarding](#), Vol. 3 at para. 19.167.

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.²⁵

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.”²⁶

In South Africa, coercive and controlling behaviours are addressed under domestic violence legislation, which provides victims with access to protection orders.²⁷ 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.”²⁸

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.²⁹ Saskatchewan has taken steps to address coercive control within family and caregiving contexts through legislative reforms to its *Victims of Interpersonal Violence Act*.³⁰

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.

Yet Bill C-16 is drafted in a form that does not extend legal protection to older victims of coercive control outside of intimate partner relationships.

²⁵ *Ibid.* at para. 19.168.

²⁶ *Ibid.* at para. 19.170.

²⁷ *Domestic Violence Act*, No. 116 of 1998.

²⁸ *Ibid.*, s. 1.

²⁹ SBC 2011, c 25, s 1.

³⁰ SS 1994, c V-6.02. *The Cyberstalking and Coercive Control Act* came into force on December 4, 2025.

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 scope of the offence, defending its narrow application to intimate partners on two grounds: (1) it aligned with how the Scottish government and law enforcement define domestic abuse, and (2) it reflected a gendered understanding of domestic violence, recognizing it is predominantly experienced by women and perpetrated by men.³¹

While intimate partner abuse undeniably involves horrific crimes against women and children, both domestic violence and elder abuse can escalate to tragedy. Homicide is the most severe outcome in both contexts, with adult sons being the main perpetrators of parricide—the killing of one's own parent.³² When a woman is killed by a family member, more than half the time, the accused is her own son (55 percent), according to 2024 statistics released by the Canadian Femicide Observatory for Justice and Accountability.³³

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.³⁴ “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 the focus on domestic abuse should remain firmly on partners and ex-partners.”³⁵

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.³⁶ 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.³⁷ However, the statute itself is limited to partners and ex-partners, a

³¹ 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.

³² 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).

³³ [#CallItFemicide 2024 Report](#).

³⁴ 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.

³⁵ *Ibid.*

³⁶ See generally Timothy J. Jones, “[Towards a Good and Complete Criminal Code for Scotland](#)” (May 2005) 68:3 *Modern Law Rev.* 448.

³⁷ [Domestic Abuse \(Scotland\) Act 2018](#).

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.³⁸

Equality & Human Rights Concerns

Limiting the offence in Canada to intimate partners risks unequal protection and unequal benefit of the law, contrary to section 15 of the *Canadian Charter of Rights and Freedoms*. Older adults abused by relatives or caregivers would be denied the protection available to intimate partners, resulting in unequal access to the criminal law for those harmed in relationships shaped by age, dependence, and disabilities such as dementia, which can heighten vulnerability to mistreatment and make seeking help more difficult.

Article 16 of the United Nations *Convention on the Rights of Persons with Disabilities* is also clear that people with disabilities must be protected from abuse and exploitation, including when it happens behind closed doors in their own homes.³⁹

By protecting some victims but not others, the offence creates a hierarchy that conflicts with the principle that all people have equal worth. The government could attempt to justify the rights infringement under section 1 of the *Charter* by showing that the limit on equality is reasonable in a free and democratic society. We suggest this would be a difficult case to make. It would be challenging to justify why domestic abuse is covered while elder mistreatment is not, given that both societal ills share key characteristics, such as isolation and power imbalances, which can make it easier for abusers to engage in multiple tactics that control the maltreated person over a sustained period.

Furthermore, we suggest that the well-intentioned objective of addressing violence against women can in fact be strengthened by a more inclusive approach that also protects older women who are harmed outside of intimate partnerships—by adult children, grandchildren, and others. A coercive control offence could provide an earlier point of intervention, helping police act before situations escalate to deadly violence or severe elder neglect.

A Comprehensive Offence

Canada's *Criminal Code* can simultaneously protect multiple categories of victims while calibrating punishment through prosecutorial discretion and sentencing principles. A general provision can account for degrees of viciousness when the Crown decides to proceed summarily or by indictment on a hybrid offence and at the sentencing stage based on aggravating factors, elevating the range of punishment.

³⁸ See e.g., *Criminal Code*, RSC 1985, c C-46, s. 718.

³⁹ GA Res 61/106 UNGAOR, 61st Sess, Supp No 49, art. 16.

Conclusion

The mistreatment of older adults has too often been dismissed as a private family matter or considered too difficult to prosecute because of the victim's age, cognitive impairment, or reluctance to testify. Yet elder abuse is not merely a private wrong; it is a crime against society that demands a criminal law response.

No parliamentarian wants to stand in the way of well-intentioned efforts to address domestic abuse. But the harm targeted by Bill C-16's coercive control offence is not limited to intimate partners. Coercive control is also a common tactic of adult children and others in relationships of trust and dependence with older adults—relationships in which victims are often isolated, dependent, and unable to safely seek help.

The Scottish model is rightly praised for its focus on the non-physical, psychological aspects of abuse, but its narrow offender scope reflects the design of a standalone domestic abuse statute. It is ill-suited for transplantation into Canada's general *Criminal Code*, where excluding some perpetrators based solely on relationship status would leave coercive control in other contexts unaddressed, despite similar patterns of harm.

This submission urges parliamentarians to amend Bill C-16 so that the proposed coercive control offence extends beyond intimate partners and protects elder abuse victims.

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