



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

INTRODUCTION

This submission addresses one question that has lingered since the House Justice Committee adopted government-proposed amendments that significantly altered Bill C-332 so that it only applies to intimate partner relationships. The question is: Should the proposed coercive control offence also protect elder abuse victims? This submission answers “yes.”¹

Established in 2017, Dementia Justice Canada is a small nonprofit dedicated to safeguarding and strengthening the rights and dignity of people with dementia through legal research and law reform advocacy. A particular focus is criminal justice reform.

COERCIVE CONTROL IS A FORM OF ELDER ABUSE

Elder abuse victims are not commonly considered within the dominant discourse around coercive control. The focus is almost exclusively on domestic violence. Yet, coercive control is a tactic of abusive adult children and others in relationships of trust and dependency with an older adult.²

“I will throw you down the stairs, old hag!” an abusive son yells at his elderly mother, who has become fearful of his escalating demands for money and access to her medications. “No one else cares about you,” he lies as he changes her soiled diaper. “I’m all you’ve got.”

Often motivated by personal gain, elder abusers commonly engage in behaviours that intimidate, exploit and isolate their victims. They might repeatedly threaten violence to get money, withhold food, mobility equipment and incontinence products, or block visitors without lawful authority.

“Dad is sick,” a daughter lies when her father’s friends call. “The guys don’t care about you anymore,” she tells him. She also intercepts his letters, cancels the landline and does not give him access to a cell phone or the internet.

Perpetrators might also overmedicate or physically restrain their victim, especially those with dementia, a disorder that heightens the risk of abuse.³ A senior 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.⁴ “Dad will be dead soon anyway,” a daughter thinks to herself as she moves her housebound father into an unfinished basement that has no running water. She also cuts the cable and cancels home care services.

Over time, the intensity of abuse tends to get worse,⁵ especially 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. The frightened woman signs over the property, as 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.⁶ “My sisters aren’t doing anything to help,” a frustrated brother tells himself as he withdraws more and more money from a joint account he shares with his mother, initially set up when he shopped for her groceries.

Much of this abuse is hidden and these stories often go untold.⁷

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 can be too overwhelmed with shame, embarrassment and fears of retaliation. Some worry that no one will believe them.

Victims with a cognitive impairment like dementia may be unable to reach out for help, and while many live in fear, some may not realize or have the mental capacity to understand that they are being mistreated. Others may be unable to grasp the magnitude of the abuse.

In Canada and internationally, many elder abuse experts and advocates have urged governments to recognize coercive control as a form of elder abuse. In 2021, for example, many participants taking part in a Government of Canada national consultation called attention to coercive control, saying that such harmful patterns of conduct should be included in the federal policy definition of senior abuse.⁸ That year experts also raised the problem of coercive and controlling behaviour when the House Justice Committee studied elder abuse.⁹

There have also been specific calls for legislators to include elder abuse in legal reforms to criminalize coercive control, which several jurisdictions have done. For instance, England and Wales criminalize coercive control by intimate partners *and family members*, and in 2023, legislators removed the cohabitation requirement, casting an even wider net of perpetrators in recognition of the fact that abusers and victims do not always live together.¹⁰

“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.¹¹

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.¹²

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*.¹³ The law is expected to take effect this year and will carry a maximum penalty of 14 years in jail.

Yet in Canada, the House of Commons passed Bill C-332 in a form that does not provide legal protection for older victims of coercive control outside of intimate partner relationships.

A FLAWED BILL

When tabled in May 2023 by NDP MP Laurel Collins, Bill C-332 protected some older victims of family abuse, targeting coercive control by adult children and other relatives who live with the senior. But then the government proposed amendments that significantly altered the offence, erasing elder abuse victims from the crime's scope.¹⁴ The changes were adopted by the House Justice Committee and ultimately supported by all parties in a unanimous vote.

The new drafting was modelled after Scotland's domestic abuse legislation, which has been championed by some women's advocates as the gold standard of coercive control crimes.

Unlike Canada, which has codified most offences in the Criminal Code, Scottish criminal offences are not found in a single statute.¹⁵ There is a mix of common law and legislation-based crimes.

The Domestic Abuse (Scotland) Act 2018 created a specific statutory offence of domestic abuse, with coercive and controlling conduct falling within the definition of abusive behaviour.¹⁶

The Scottish statute is limited to partners and ex-partners—a scope that is too narrow for Canada's general Criminal Code, which does not contain specific offences like domestic violence or elder abuse but gives special consideration to these harms when sentencing an offender.¹⁷

Canadian MPs have failed to clearly articulate why the proposed Criminal Code offence would cover domestic abuse but not elder mistreatment, when both societal ills share common traits, like the combination of isolation and the imbalance of power between perpetrators and victims, which make it easier for abusers to engage in multiple tactics that control the maltreated person over a sustained period.

In 2017, the Scottish Parliament Justice Committee discussed the scope of the offence, defending its narrow application to intimate partners on the grounds that it was (1) consistent with how the Scottish government and law enforcement define domestic abuse and (2) consistent with a gendered analysis of domestic violence that recognizes it is predominately experienced by women and perpetrated by men.¹⁸

There is no question that intimate partner abuse involves ghastly crimes against women and children, but 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.¹⁹

Prosecuting coercive control can provide an earlier point of intervention, ending the abuse before the older victim is killed or severely harmed from physical violence or extreme neglect, suffering from severe malnourishment and bedridden in soiled clothes with maggot-infested wounds.

A narrow offence limited to intimate partners also fuels the perception that including elder abuse would weaken 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.²⁰ "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."²¹

Even if one shares this concern, the comment must be taken in context. Scotland was crafting a standalone statute on domestic abuse, not an offence for a general criminal code.

A COMPREHENSIVE OFFENCE

Canada's Criminal Code can simultaneously protect multiple categories of victims. A general provision can deal with degrees of viciousness when the Crown decides to proceed summarily or by indictment on a hybrid offence and at the sentencing stage based on the offender's aggravating conduct, elevating the range of punishment.

But as it stands, Bill C-332 creates a morally fraught hierarchy of victims, undermining the dignity and equal worth of older victims of coercive control who suffer at the hands of relatives and other people they often depend upon for care and company.

For too long, the mistreatment of seniors has been dismissed as a civil matter to be remedied privately between family or considered too challenging to prosecute because of the older victim's incapacity or unwillingness to testify. But elder abuse is a crime against society, not just the individual, and it must be punished as such.

CONCLUSION

No politician wants to stand in the way of a well-intentioned domestic abuse law. But the inconvenient truth for lawmakers is that the psychological torment targeted by Bill C-332 is not only perpetrated by intimate partners. Coercive control is also a common tactic of adult children and others in relationships of trust and dependency with an older adult.

The Scottish model is rightly heralded for its focus on the psychological aspects of abuse, but Canadian lawmakers must question the suitability of importing its narrow offender scope into our general Criminal Code, where some perpetrators of the impugned behaviour would not be charged with the offence simply because of their relationship status to the victim, despite being a relative or in a relationship of trust, dependency or caregiving intimacy.²²

This submission urges senators to amend Bill C-332 so the proposed coercive control offence extends beyond intimate partners and protects elder abuse victims.

Respectfully submitted by:

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¹ This submission borrows from and builds on four articles by Heather Campbell Pope, Founder, Dementia Justice Canada: [The political inconvenience of elder abuse victims](#), *Substack* (January 4, 2025); [Coercive control bill should tackle familial elder abuse](#), *Law360 Canada* (August 20, 2024); [It's time for Canada to criminalize coercive control by adult children](#), *Canadian Network for the Prevention of Elder Abuse* (July 30, 2024); and [Parliament should make coercive control of elders a standalone crime](#), *Canadian Affairs* (July 15, 2024).

² See e.g., Australian Government, Attorney-General's Department, [Understanding how coercive control can affect older people](#) (March 5, 2024).

³ XinQiu 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.

⁴ 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).

⁵ Government of Ontario, [What You Need to Know About Elder Abuse](#).

⁶ 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.

⁷ 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.

⁸ Government of Canada, Employment and Social Development Canada, [Consultation on a federal policy definition of senior abuse: What we heard](#) (October 2023).

⁹ 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.

¹⁰ *Serious Crime Act 2015*, s 76.

¹¹ Older People's Commissioner for Wales, "Controlling or Coercive Behaviour – Statutory Guidance" (June 2022) at 3.

¹² *Haw. Rev. Stat.*, s. 586-1.

¹³ *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislative Amendment Act 2024*. Some other jurisdictions limit their coercive control offence to intimate partners. For instance, New South Wales criminalized coercive control of intimate partners as of July 1, 2024: *Crimes Legislation Amendment (Coercive Control) Act 2022 No 65*. The state's attorney general defended the narrow scope on the grounds that evidence of coercive control escalating to homicide is strongest in the intimate partner context; however, he indicated that the government

might consider expanding the scope to other relationships in the future: Parliament of New South Wales, [Hansard](#) (October 12, 2022) (Hon. Mark Speakman).

¹⁴ Government of Canada, [2024-2025 Main Estimates – Department of Justice](#), 4.m Legislation, Bill C-332 (Controlling or coercive conduct).

¹⁵ See generally Timothy J. Jones, “[Towards a Good and Complete Criminal Code for Scotland](#)” (May 2005) 68:3 *Modern Law Rev.* 448.

¹⁶ [Domestic Abuse \(Scotland\) Act 2018](#).

¹⁷ See e.g., [Criminal Code](#), RSC 1985, c C-46, s. 718.

¹⁸ 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.

¹⁹ 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).

²⁰ 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.

²¹ *Ibid.*

²² “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,” Baroness Campbell of Surbiton told the UK House of Lords, urging 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: [Hansard](#) (March 8, 2021).