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• (1635)

[English]

The Chair (James Maloney (Etobicoke—Lakeshore, Lib.)): I call the meeting to order.

Welcome to meeting number 22 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of February 2, the committee is meeting to begin a study of Bill C-16, an act to amend certain acts in relation to criminal and correctional matters regarding child protection, gender-based violence, delays and other measures.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and on Zoom.

Can we confirm that the sound tests were all done? Okay. That's great.

I have a few comments for the benefit of witnesses and members. Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic, and please mute yourself when you are not speaking. For those on Zoom, at the bottom of your screen, you can select the appropriate channel for interpretation: floor, English or French. For those in the room, you can use the earpiece and select the desired channel.

As a reminder, all comments should be addressed through the chair. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the "raise hand" function. The clerk and I will manage the speaking order as best we can, and we appreciate your patience and understanding.

Now I would like to welcome two of our witnesses.

From the Sagesse Domestic Violence Prevention Society, we have Andrea Silverstone, chief executive officer, who's on Zoom. From the Women's Legal Education and Action Fund, we have Rosel Kim, who's a senior staff lawyer.

We will be joined soon, hopefully, by Alison Irons, who is appearing as an individual.

We will get under way with the two witnesses we have.

First of all, welcome to both of you.

I'm going to open the floor. Each of you will have up to five minutes to give opening remarks. Following the conclusion of all opening remarks, we will go to questions. Hopefully, by the time the

two of you have completed your opening remarks, Ms. Irons will be with us. If she joins us, I may interrupt one or both of you to welcome her.

I will open the floor. I'll go to the first person on my list, which is you, Ms. Silverstone. Welcome. You have up to five minutes.

Andrea Silverstone (Chief Executive Officer, Sagesse Domestic Violence Prevention Society): Thank you so much.

Good afternoon. My name is Andrea Silverstone. I am the CEO of Sagesse Domestic Violence Prevention Society, an agency that works to disrupt the structures of abuse with individuals, organizations and communities across the provinces of Saskatchewan and Alberta.

Thank you very much for the opportunity to appear today before this committee to discuss Bill C-16. There are many aspects to the bill, all of which are important. However, today I'm specifically going to address coercive control in the context of criminal legislation.

My background with and understanding of this issue come from over 20 years as a social worker working with victims of coercive control and as a Ph.D. candidate studying the transcontextual experiences and impacts for victims.

Sagesse strongly supports Bill C-16's recognition of coercive or controlling conduct as a distinct harm within Canada's criminal justice framework and its inclusion in the femicide legislation.

Based on my Ph.D. research, I understand coercive control to be a pattern of behaviour that removes an individual's sense of personal agency, stopping them from making decisions in their own best interest. Coercive control is transcontextual. It appears in intimate partner relationships, sexual exploitation and trafficking, cult groups, gangs, elder abuse, radicalization and violent extremism, workplaces, and even via institutional misuse. Survivors often traverse multiple contexts across the lifespan, with harms that compound over time.

Criminal law must adapt to meet this reality. Traditional incident-based defences miss the pattern-and-impact dynamics that define coercive control. The criminalization of coercive control is more than just about lethality; it's a liberty crime. Comparative models in other jurisdictions criminalize patterns that cause a serious effect, such as substantial interference in day-to-day activities. Bill C-16 allows Canada to adapt these strengths from other jurisdictions while ensuring cultural safety and charter compliance.

However, in my opinion, there continue to be some challenges and limitations that I think need to be addressed.

First, the narrow relationship scope of this bill may lead to an undercapture of coercion in relationships of dependency and trust—for example, caregiving relationships or sexual exploitation.

Second, the proof burden risks reverting to incident counting unless pattern-and-impact elements and illustrative factors are explicit.

Lastly, it does not adequately address institutional misuse, especially in civil settings. By this I mean things such as procedural harassment and vexatious applications. These acts are persistent vectors of harm and coercive control that require legislative implementation guidance to both flag and manage the weaponization of systems and institutions by perpetrators.

I also want to briefly address concerns that have been raised around this legislation regarding equity impacts and overcriminalization. The best available evidence from jurisdictions with coercive control offences does not show widespread criminalization of minority victims. I address this in more detail in my submitted brief, referencing numerous studies, all of which clearly identify that perceived risk to equity and overcriminalization have not materialized.

I would also like to suggest the following recommendations to this legislation to ensure that it truly captures the experiences of victims.

First, please update the legislative wording to reference relationships of dependency and trust.

Second, codify that the offence includes patterns that cause either serious alarm or distress that substantially affects day-to-day activities.

Third, provide a list to guide the justice system to reduce overreliance on physical markers.

Fourth, include an interpretive note acknowledging that coercive control is transcontextual and may occur across the lifespan and in multiple domains. Coercive control clearly occurs in more than just IPV relationships.

Fifth, with regard to evidentiary guidance, encourage pattern chronologies, digital trails and collateral testimony, and explicitly allow expert evidence on the impact on the victim.

Lastly, provide safeguards against institutional misuse, requesting that federal-provincial policy flag procedural stalking and paper abuse.

Legislation is the starting point for change, but for it to be truly effective, federal investment is required. I believe there are three key investments that would support the success of this legislation. They are validated survivor impact measurement tools, which currently don't exist and would need to be developed; training for the justice system and service providers around coercive control; and investment in a national public education campaign and initiatives that engage community and informal supports in addressing coercive control.

I'd like to thank the government for tabling this important legislation, and I'd like to thank this committee for its time and consideration of care in ensuring that Canada is a country that protects victims of coercive control.

• (1640)

The Chair: Thank you, Ms. Silverstone. You are right on time.

We'll go over to you, Ms. Kim.

Rosel Kim (Senior Staff Lawyer, Women's Legal Education and Action Fund): Thank you.

Good afternoon. My name is Rosel Kim. I'm a senior staff lawyer at the Women's Legal Education and Action Fund, or LEAF.

LEAF is a national charitable organization that uses the law to advocate for the equality of women, girls and trans and non-binary people.

Thank you for inviting me today to speak to Bill C-16. My remarks today are based on the written brief that was submitted to the committee jointly by LEAF and the Barbra Schlifer Commemorative Clinic. Of course, I'm here today to speak for LEAF.

We welcome and support the bill's proposal to increase access to testimonial supports for victims and witnesses. The rigid rules and decorum of a courtroom can lead to additional stress and trauma for survivors who are revisiting and disclosing traumatic memories. In addition, we support the bill's increased emphasis on restorative justice processes, though we make one suggestion in our brief to ensure that what a survivor discloses during the processes is not used against them in future proceedings. We also agree with expanding the non-consensual distribution of intimate images offence to include deepfakes.

We are grateful for the efforts of parliamentarians to respond to the epidemic of gender-based violence. We understand the intent behind using criminal law reform to tackle issues like femicide and coercive control as a public recognition that these acts are serious and wrong. However, well-intentioned laws can have unintended consequences.

As such, we express caution toward the amendments in the bill concerning femicide and coercive control. While we agree with the need to recognize and address these issues, creating new criminal offences without clear survivor-centred safeguards could lead to survivors being caught up in the criminal system and charged themselves, especially if they are members of marginalized communities. We believe a broader systemic approach is a better answer to preventing and addressing gender-based violence.

There are, however, ways to improve the criminal responses to gender-based violence, and I want to highlight five areas where we have suggested amendments to the bill in our brief.

First, I'll discuss mandatory minimum sentences. Mandatory minimums do not deter crime and have negative impacts that are specifically detrimental for Black and indigenous communities. In addition, imposing prison sentences on Black and indigenous women who are mothers or caregivers of children can lead to disastrous consequences for the women, the children and their communities, including family ruptures and overrepresentation of Black and indigenous children in the foster care system. For these reasons, we recommend broadening the exceptions, or safety valves, to mandatory minimums, applying a gender-based analysis and not reintroducing mandatory minimums that have already been struck down.

Second, we propose a series of amendments to the sections on sexual history evidence and third party records. While we appreciate the desire to clarify this complex area of the law and reduce delays, we have heard concerns from lawyers who work with complainants about the risks of increased complexity and constitutional vulnerability in the bill. We also point to a change needed in the process to ensure that the complainants' intimate images are not shared between lawyers. I'm happy to discuss specifics during the question and answer period.

Third, we recommend maintaining the current wording of the criminal harassment provision. The proposed changes in the bill may increase the risk of survivors being charged with criminal harassment themselves in situations where survivors have to make repeated contact with their abusers about failures to respect custody arrangements or other court orders.

Fourth, we recommend broadening the definition of deepfakes to ensure that it appropriately captures the harm caused by non-consensual deepfakes. The definition of a deepfake in the bill requires that it is "likely to be mistaken for a visual recording of that person". However, the harm of non-consensual deepfakes goes beyond deception. It is a violation of sexual integrity, where your image is sexualized without your consent, even in a manner that may not meet the realism threshold. Requiring realism for a deepfake to be criminal defines the harm of deepfakes too narrowly. It also adds confusion about who will determine whether a deepfake is likely to be mistaken as an actual visual recording. For this reason, we recommend removing the last part of this definition.

Lastly, we recommend that the federal government work with provinces and territories to decrease delays in the criminal legal system, rather than requiring courts to rely on remedies other than stays. Meaningful reduction in delay requires adequate resources, including increased staffing, judicial appointments and stronger governmental coordination to ensure that the system is properly supported.

I'll end by reiterating the need for sustained investment in preventative measures that address gender-based violence before it occurs, including community-based supports, education and early intervention initiatives. Criminal law alone cannot end gender-based violence.

Thank you very much. I look forward to answering any questions.

• (1645)

The Chair: Thank you, Ms. Kim.

I'd now like to welcome Alison Irons.

Can you hear me, Ms. Irons?

Alison Irons (As an Individual): Yes, I can, Chair. Thank you.

The Chair: Thank you for joining us.

Can you say a few words so that we can do a quick sound check on your microphone?

Alison Irons: I will. Before I start my remarks, I'd like to let the committee know that I have an autoimmune disorder that sometimes affects my speaking ability because my mouth gets very dry. I may have to take a few sips of water while I'm speaking.

The Chair: That's fine. Thank you. Your sound is excellent.

We're just at the opening comments portion. Our other two witnesses just finished theirs. I'm going to turn the floor over to you for up to five minutes to make opening remarks. Following that, we are going to open the floor to questions that can be put to all three of you.

I will give the floor to you now, Ms. Irons, for up to five minutes.

Alison Irons: Thank you.

Good afternoon, everyone. I'd like to thank you for inviting me to speak today.

I'm an ex-RCMP officer of nine years' service who attended many so-called domestic disputes during that time. I was also on the board of the North Shore Women's Centre in North Vancouver, B.C., as a police adviser on violence against women. That was some 40 years ago, yet here we still are today.

I also worked as an Ombudsman Ontario investigator and investigations manager, particularly in the corrections field. I retired as a director of enterprise-wide services in the Ontario government. I'm also a certified human resources leader, or CHRL.

Sadly, I'm also the mother of 26-year-old Lindsay Margaret Wilson, born July 30, 1986, my precious daughter and best friend, who was stalked and shot to death by her ex-intimate partner, a legal gun owner, in a murder-suicide on April 5, 2013 in Bracebridge, Ontario, just two weeks before completing her Nipissing University graduating exams. I received her degree posthumously and drove home from North Bay with a degree but no graduate.

This is a story of coercive control ending in a femicide in Canada. My daughter's killer had never been violent with her until the day he murdered her in cold blood. He was clean-cut, articulate and from a well-to-do family. He was also manipulative, deceptive and controlling with my daughter in a number of ways. He'd say she was the love of his life but would undermine her self-confidence by constantly criticizing her looks, her career choice, her clothing choices, etc. She left the relationship the first time when she caught him drug dealing behind her back. That was another manipulation, a massive lie, as he was not who he purported to be.

He lured her back with manipulative letters articulating his love for her, apologies and the inevitable promises of changed behaviour. He threatened suicide by firearm three times to keep her with him. She kept two of these from me initially, as she knew how I'd react. We must understand that threats of suicide to keep someone in a relationship are a form of coercive control, since they terrify the recipient of the threats into staying. She then caught him drug dealing again and broke off the relationship for good in 2011.

In January 2012, he threatened to commit suicide by firearm over three hours on the phone with her. She then severed all contact with him, but he kept trying to contact her through blocked phone calls, through friends, social media and letters professing undying love, saying it was all his fault but still undermining her self-esteem. He continued to bring up a phone bill, an old debt he contended she owed when she insisted she did not. I even offered to pay it for her to get him off her back. My daughter, a principled person, refused to let me.

By this time, I was counselling her on how to defuse and get out of the situation. She was terrified of contacting the police due to fear of reprisal. I even offered to send her out of the country or province to university for a master's degree if she wished, but she still felt love for him and never imagined for a moment that he would do her any harm, despite my warning of the risk of the presence of firearms in his house. The police later told me that he would have found her wherever I had moved her, given the plan they'd confirmed he had.

The week of her murder, he drove five hours to Bracebridge and found her car in the university parking lot. He stalked her and then found out where she was living. He went back that Friday, stalked her all morning, hid behind the house and confronted her with a shotgun in the driveway as she was packing to come home for the weekend. While she pleaded for her life, he shot her with both pellets and slugs at close range, centre body mass, an obviously fatal injury and what the central regional director of Crown law called a clear case of first-degree murder. She survived for only about 20 minutes. She told the paramedics that she knew she was dying, a horrifying thing for a mother to live with.

My daughter's planned and deliberate first-degree murder caused me to lobby for a criminal coercive control offence, since I learned that England, Wales and Scotland had done this, and for more first-degree murder charges to be laid in cases of femicide.

● (1650)

I've monitored how coercive control cases are going in the U.K. justice system. Initially, although police were laying charges, only 50% were successful in court—

The Chair: Ms. Irons, I'm going to have to ask you to wrap up, please.

Alison Irons: Okay. The education of the criminal justice system regarding coercive control is an absolute necessity before implementation of this bill, as was done in Keira's law. Abused women are at greater risk of harm or fatality if such charges fail in court because the justice system doesn't understand non-violent coercive control as a stepping stone to eventual violence.

I firmly believe, as an ex-police officer, that a conviction for coercive control on one's criminal history will serve as an evidentiary building block to corroborate any future pattern of behaviour that might progress to violence or, worse, femicide, with first-degree murder charges able to be laid.

The Chair: Thank you.

I turn it over to Mr. Gill to start the first six-minute round.

Amarjeet Gill (Brampton West, CPC): Thank you, Chair.

Good afternoon, everyone. Thank you to all the witnesses for coming here.

Ms. Silverstone, you indicated in your brief that this bill is a step forward and that there is room for improvement in this bill. Do you feel that this bill properly integrates the status of women committee's November 2025 recommendations on coercive control?

● (1655)

Andrea Silverstone: I believe it properly integrates those recommendations. I also think it needs to be broader, in that it needs to look at relationships of dependency and trust, not just intimate partner violence.

I would also suggest that some of the things that did come up were around equity and overcriminalization. I understand those concerns. However, the research that is out there, which has come from the U.K.—England, Wales and Scotland—shows that there is no overcriminalization that has happened, nor have equity-seeking groups been more affected than they already were by a justice system that, obviously, has its own limitations. That's not about coercive control; that's about the justice system response generally.

Amarjeet Gill: I understand you have said that it has to be broadened to be more impactful, so what would you recommend to amend in this bill to better reflect those recommendations, if you have any?

Andrea Silverstone: That's in my brief, but in particular, I think the relationship that is identified should not be a relationship of an intimate partner, but a relationship of dependency and trust.

Amarjeet Gill: Regarding coercive control, your organization said that criminalization alone is not enough; training, education and survivor supports must come alongside it. Bill C-16 criminalizes it, but has the government given any indication that it intends to pursue the other things you call for?

Andrea Silverstone: The answer is this: to the best of my knowledge, not at this time. However, in my conversations with government, they are aware that part of what needs to be in place is measurement tools, which don't currently exist but need to be developed, and that there is going to be a necessity to train the justice system and service providers.

I would also suggest that the government recognizes that we need to change the discourse in Canada, but I haven't heard a distinct statement of, "If we pass this bill, these funds or these initiatives will come along with it." However, I also haven't heard them say that they don't think it's important. They think it's important.

Amarjeet Gill: Did the government consult with your organization while drafting this bill?

Andrea Silverstone: It did. We are actually the organization that helped to draft the two previous iterations of the bill. The first one was a private member's bill from the NDP, from Randall Garrison, and the second was also a private member's bill. We were instrumental in supporting the drafting of both of those. We also had input into the drafting of this one, which is based on the language in both of those and the report of this committee, "The Shadow Pandemic".

Amarjeet Gill: You just indicated that there are certain measures that you were assured would be added but that have not been added yet. Does this bill reflect the advice given during those consultations?

Andrea Silverstone: I'm sorry, but can you ask that question again?

Amarjeet Gill: My question for you is in regard to the recommendations or suggestions you have provided. Does this bill reflect the advice given during those consultations?

Andrea Silverstone: I believe the bill reflects, in part, the advice given. I understand that there are limitations in how bills are written and that there's a desire for them to be able to move forward. I am not a legislator. I'm not a lawmaker. I'm a social worker. I know what's best for the clients I work with. It's very possible the things we're asking for are not possible within a legislative framework. That is for greater minds than mine, but I do feel like the big thing that is missing right now is that it has to be broader than just intimate partner violence.

I also wrote a position paper, which went to the federal ombudsman for victims of crime, specifically around sexual exploitation and trafficking. If we leave out that population, we're going to be doing a whole group of people—women—an injustice by not protecting them with this law.

Amarjeet Gill: Thank you, Ms. Silverstone.

Ms. Kim, my next question is for you.

I was reading your organization's submission on Bill C-16, and I see that you raised issues with the government's proposed changes on deepfakes.

My colleague Michelle Rempel Garner also has a bill before this Parliament on that subject, Bill C-216, an act to enact the protection of minors in the digital age act. Are you familiar with this bill?

Rosel Kim: I'm not very familiar with it, but I know of the bill, yes.

Amarjeet Gill: Do you have anything to say about which bill would do a better job, or do you have no knowledge about Bill C-216?

• (1700)

Rosel Kim: I want to focus my comments on Bill C-16, which is what my brief is about. As I said, we welcome the inclusion of deepfakes, but we did suggest the one amendment to make sure that all the harms of deepfakes are captured.

Amarjeet Gill: Is criminalizing coercive control enough to help victims and survivors?

Rosel Kim: In our opinion, we do not think that creating a new offence of coercive control gets to the root causes of coercive control. We also have some questions about how evidentiary collection would work and how certain victims may be perceived, especially if they are indigenous and Black women, who are often labelled as more aggressive or perceived as more aggressive.

For that reason, we make recommendations about taking a proactive approach of focusing on prevention and providing mandatory and ongoing training to law enforcement, Crowns and judges on what coercive control actually looks like, as well as systemic bias, so that can be recognized.

The Chair: Thank you.

Thank you, Mr. Gill.

Ms. Dhillon, it's over to you for six minutes.

Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair.

Thank you, witnesses, for being present here today and for your dedication and long-time work on this very important issue.

I will start with Ms. Irons.

On behalf of the whole committee, we're very sorry for the tragedy you have experienced. You have come here today and testified in such detail to a painful and deeply disturbing event in your life, and we thank you for your courage in that as well.

I would like to start with this. You have advocated your whole life for recognizing the importance of patterns of coercive control and these kinds of behaviours in intimate partner violence. What are your thoughts on the part of the bill that would require a first-degree murder charge in cases of femicide where a pattern of abusive, harassing, coercive or violent behaviour can be demonstrated to the court?

Alison Irons: Thank you for the question.

I feel very strongly about this, and some of it is, I must admit, perception.

We who work in this field, whether professionally or as an advocate, as I am, far too often see second-degree murder charges laid in cases of femicide. Often, that's because it's well known in the justice system—and as an ex-police officer I can tell you—that it's an easy guilty plea. It saves the courts and the justice system a lot of time and money, but it also results in bail and in lesser sentences, and it involves earlier release. With all of those things comes a higher risk of recidivism.

It's very hard as a female.... I can tell you that my first marriage itself was an abusive and coercive one. It's very hard to believe sometimes that it's not simply the sexism that exists within the system. If a man says, "Oh, I lost control" or "She made me do it" or "She provoked me", and that is accepted, that results in the second-degree murder charges. Experts in the field will tell you that a man who's abusing or harming a woman is usually very much in control, and that's why women's injuries are sometimes in places that can't be seen when they're clothed.

I feel very strongly, and I think the bill gets at this, because the question is the evidence to support a first-degree murder charge. What the bill says, or what this clause says, is that a pattern of harassing, abusive, violent or coercive control behaviour can be demonstrated. I think that helps immensely to get us to more first-degree murder charges in cases of femicide. Otherwise, I view the disproportionate laying of second-degree murder charges in cases of femicide as discriminatory towards women.

Anju Dhillon: Do you believe that if this had existed at the moment when the tragedy occurred for your daughter, the accused would have had a tougher sentence?

• (1705)

Alison Irons: Absolutely. He would have gone to jail. My daughter was terrified of calling the police. She was actually afraid that the police would take his guns away and this would tip him over the edge into violence. It was a very hard discussion I had with my daughter about whether to call the police or not.

I also knew at the time, from being a police officer, that if we tried to get a restraining order against him, the service of the restraining order on him might be the very thing that tipped him over the edge into violence. That is why I've also worked on the Bill C-21 provision for protection orders and the removal and seizure of gun licences and guns.

Anju Dhillon: You spoke about manipulation. What signs of manipulation can you quickly tell us about that would show that somebody is being victimized?

Alison Irons: I had to help a very good friend of my daughter's financially after my daughter's death. She had a new boyfriend who seemed very nice and so forth, and was well employed at first. He then gradually began to control all of her movements. He began to demand to check her phone. He would follow her. He would call her several times a day to find out where she was and when she was going to be coming home.

In the case of my daughter and that phone bill I mentioned, it may seem like a minor thing, but he never let up on that phone bill with my daughter. Even until three weeks before she died, he was still bringing up that phone bill. She said she did not owe that money. There's a form of debt that is alleged to be owed that can also be held over a woman's head.

Gaslighting is another form. I was told by my ex-husband that if I left him, nobody would ever love me enough to want to marry me again, for example.

These things are all intended to keep you under their thumb, so they know where you are all the time. You get isolated from your friends and family, partly because you're embarrassed. Then it becomes a question of how to leave, which, as we all know, is a very dangerous time. I'm so proud of my daughter for having had the courage to leave.

The Chair: Thank you, Ms. Dhillon.

Mr. Fortin, we'll go to you for six minutes.

[*Translation*]

Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

I would like to thank the three witnesses for joining us today.

First, Ms. Irons, I would like to offer you my deepest condolences concerning the events that you described. No one wants to go through something like this. My heart goes out to you.

Alison Irons: Thank you.

Rhéal Éloi Fortin: Ms. Silverstone, we talk a great deal about coercive control in couple relationships, and rightly so. We need to address this scourge. As you can see, we're working quite hard on this on both sides of the House.

In your opinion, should we broaden the scope of the bill to address, for example, the issue of seniors who may fall victim to coercive control at the hands of their family or at times their own children? Should we look at this, or does just focusing on the couple relationship adequately address the issue?

[*English*]

Andrea Silverstone: Thank you so much for this question.

I strongly believe that elder abuse should be included. It needs to be broadened. I think the way it's written right now is too narrow and therefore does leave out other vulnerable victims such as elders, people who are sexually exploited and people who are being coerced through gangs. It also leaves out child abuse. I think there are a bunch of ways that it's not broad enough.

I feel like I'm flogging a dead horse here, but I think that if we change the language to the language of "a relationship based on dependency and trust", it would broaden it enough to be able to cover all of those pieces. In consultation with our partner organizations that are elder abuse organizations.... They feel the same way about the language of dependency and trust.

[Translation]

Rhéal Éloi Fortin: Ms. Kim, I would like to hear your answer to the same question.

[English]

Rosel Kim: I'm sorry. Is the question whether elder abuse should be included in coercive control provisions?

• (1710)

[Translation]

Rhéal Éloi Fortin: Yes. I was asking whether you think that we should broaden the scope of the provisions addressing the coercive control issue to include not only couples, but also seniors and vulnerable people.

[English]

Rosel Kim: As I said previously, we don't think criminalizing coercive control will get to the heart of the matter or the root causes of coercive control. We have some concerns about the way it is framed at the moment. We think it's much more effective to provide supports for people so they can leave relationships that they feel are coercive. This comes down to social and economic supports, not necessarily through criminal law.

[Translation]

Rhéal Éloi Fortin: I'm not sure whether I fully understand your organization's position. You believe that we shouldn't adopt provisions to combat coercive control. Did I get that right?

[English]

Rosel Kim: Yes, we have concerns about creating this new offence, especially without creating safeguards for survivors of coercive control who might be at risk of being charged themselves. We have seen this with mandatory charging in domestic violence policies, where sometimes, when police arrive and don't know what's going on, we've seen increases in both parties being charged.

There are also some questions about how police might recognize all patterns of coercive control, which is very nuanced and captures a wide range of behaviours.

Because of those concerns, at this time, we do not support criminalizing coercive control, but we do want to fight coercive control by providing the supports that survivors desperately need. One of the recommendations of our organization is creating a gender-based violence commissioner, for example. This could provide direct sup-

port to survivors and get to the causes before these behaviours happen.

[Translation]

Rhéal Éloi Fortin: Thank you.

I'll move on to a completely different topic. I want to talk about the distribution of intimate images. I imagine that you must deal with this issue on an almost daily basis.

Does your organization have statistics or detailed information on the extent of the issue? Has there been an increase over the years? Who are the people targeted? In short, do you have any information on this topic?

[English]

Rosel Kim: I don't have the numbers off the top of my head.

Of course, the issue with Grok, the AI tool on Twitter, is that users weaponize it to create many deepfakes, which has generated a lot of news. I think there have been some analyses done on how the majority of the deepfakes created by Grok are of women.

[Translation]

Rhéal Éloi Fortin: Thank you, Ms. Kim. Sorry to interrupt. It isn't polite, but time is limited.

Ms. Silverstone, I would like to ask you the same question. Do you have any statistics or more specific information on this issue?

[English]

Andrea Silverstone: I don't have statistics on the prevalence of deepfakes. All the information we have is narratives from the experiences of our clients.

We can definitely say that it is, increasingly, a tool being used to perpetrate coercive control, especially post exit from relationships.

The Chair: Thank you.

Thank you, Mr. Fortin.

We'll move into the five-minute round, starting with Mr. Baber. The clock starts now.

Roman Baber (York Centre, CPC): First, I'd like to address Ms. Irons.

Thank you so much for attending today and for your testimony. On behalf of all my colleagues, I want to express our sincerest condolences on the loss of your daughter. I commend you for turning that tragedy into the advocacy work you're doing today. We can certainly benefit, and I pray that no parent has to go through this ever again.

I want to begin by asking Ms. Kim specifically about one of the recommendations she made, with respect to deepfakes.

Our committee is often bogged down by politics and big concepts, but I like to do some technical work. If you think that the government has gotten a provision wrong here, and that it should be expanded, I'd like to offer you the opportunity to do that. I was unable to locate it in your submission. My understanding, Ms. Kim, is that you're suggesting that deepfakes do not necessarily just reflect a realistic depiction of the victim but also capture what might be an unrealistic depiction. Is that correct?

• (1715)

Rosel Kim: Yes. I believe the last part of the definition of deepfakes proposed in the bill states that they have to be “likely to be mistaken for a visual recording of that person”. We think this part creates too high of a threshold. If something has to be so realistic for it to be considered criminal... We've seen examples of harmful deepfakes with Grok, where users asked Grok to put women in bikinis, force them to smile or cover them in blood. All of those things are acts of harm, but they wouldn't necessarily be caught under this definition of a deepfake, because they wouldn't necessarily be considered as a realistic representation of them. However, their images are still being taken without their consent and are being sexualized. That is the act of harm.

Roman Baber: For the benefit of my colleagues, I think Ms. Kim is referring to proposed paragraph 15(2)(b) in the bill. Specifically, it's the last part, which mentions that the person is depicted as being exposed, and it says, “if the depiction is likely to be mistaken for a visual recording of that person.” I think the French version of the same section is similar.

I would go even further. I would suggest that you can have an unrealistic depiction of a person that is perhaps used in a perverted fashion. For instance, one might have qualities that are not human qualities, and at the same time they could be depicted in a sexual fashion.

I agree with you 100%, Ms. Kim. How would you suggest that we fix it literally? You still have to refer to the identity of the victim here. Maybe you're not able to answer that question now, but I certainly invite you to email my office with any technical suggestions. If you have an answer now, that would be great.

Rosel Kim: Sure.

Our suggestion was simply to remove the last part, where it says, “if the depiction is likely to be mistaken for a visual recording of that person.” In the previous part of the definition, it does require that it's “an identifiable person who is depicted as nude, as exposing their sexual organs or as engaged in explicit sexual activity”. Our suggestion is simply to remove the last part.

Roman Baber: Ms. Irons, I note that women tend to be affected disproportionately by sexual violence. It has been a long-standing position of the Conservative Party that when it comes to sentencing for sexual offences, such sentencing for multiple offences, particularly, should comprise consecutive sentences rather than concurrent sentences. If you have two sexual offences, they would be served consecutively as opposed to concurrently.

How do you feel about that, Ms. Irons?

Alison Irons: I'd love to see that, except that my concern is that it would be constitutionally challenged. I believe that in the past there have been constitutional challenges to consecutive sentencing.

The Chair: Thank you, Mr. Baber. You're out of time.

Mr. Chang, go ahead for five minutes.

Wade Chang (Burnaby Central, Lib.): Thank you, Mr. Chair.

Ms. Irons, thank you so much for your courage.

From your perspective, what are the key warning signs or system failures that, if addressed earlier, might have changed the outcome for your daughter?

Alison Irons: Well, I've testified before—it was on Bill C-71, and it's not necessarily as relevant to this bill—on the fact that the other thing my daughter's killer had hidden from her was a criminal adult history of personal violence. He'd been convicted of assault and forcible confinement and he'd hidden his criminal record from her. He served two years' probation, because his parents helped him plea bargain out of those charges. Well, he didn't plea bargain out of them—he was found guilty—but he got two years' probation. He immediately applied for a gun licence and got one. I've had that investigated through other avenues. That caused changes in Bill C-71 to the area of background checks for licensing in guns.

In terms of coercive control, Ms. Kim spoke about evidentiary requirements. I can tell you that when England, Wales and Scotland started down this road, there were very, very few cases in the first year, but in 2024, there were 5,000 charges of coercive control laid. There were 853 convictions. Of those, 832 were men. In my view, that tends to counter a little bit Ms. Kim's position of a disproportionate impact on, for example, indigenous women. Mind you, in the data I have on how it's faring in England and Wales, I didn't have any racial breakdown to access.

• (1720)

Wade Chang: Thank you.

How do you believe Bill C-16 could better account for or respond to situations involving domestic violence, particularly for those who may be at high risk but feel unable to seek help?

Alison Irons: As I said in my opening remarks, I strongly feel that if we can successfully educate the justice system on what coercive control actually is, if we can then actually get some cases prosecuted, which is another issue in Britain, and if we can get some convictions, then we're building an evidentiary pattern. If it later results in further violence—or, as in my daughter's case, femicide—there is an evidentiary record.

Right now, that doesn't exist for women in situations like my daughter's. In fact, former MP Pam Damoff once asked me to imagine how Lindsay could have gone to court to get a red flag order based on this type of coercive control. That was a very high legal bar. My daughter would never have been given an emergency risk order. She wouldn't have been successful. There was actually nothing in place. He never laid a hand on her, so there was nothing about which my daughter could complain to the police. The only thing was his threats of suicide. As I mentioned, she was terribly afraid that she would experience reprisal if she reported that to the police. She honestly believed in the gaslighting that he would never harm her.

Wade Chang: Thank you.

Alison Irons: I do think that if we have the ability to get these prosecutions and convictions under coercive control, we can see things start to change with consequences.

Wade Chang: What changes, whether in law enforcement, social services, or community awareness, do you think are most urgently needed to protect others from experiencing what your family went through?

Alison Irons: One is the provision in Bill C-21 for protection orders. If a person becomes the subject of a protection order for violence or abuse of women and they're a licensed gun owner, their gun licence and their guns will be immediately forfeited or seized for the duration of the protection order. That could be up to two years.

The other problem they're seeing in Britain is that, because the Crown is not prosecuting enough of these cases, the number of police charges or efforts to have someone charged is somewhat declining. I think the education of Crown counsel and judges is extremely important. In Britain, initially 50% were failing in court because the defence counsel and the judges believed violence should be an element of a coercive control prosecution, which is simply not true.

• (1725)

The Chair: Thank you, Mr. Chang.

Mr. Fortin, go ahead for five minutes, please.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

[English]

The Chair: I'm sorry. It's two and a half minutes—my mistake.

Rhéal Éloi Fortin: I'll take the five.

I didn't challenge your decision.

The Chair: I noticed that.

[Translation]

Rhéal Éloi Fortin: Ms. Silverstone, I understand your position on criminal harassment. We said that we would change the subjective fear test to an objective fear test in the case of criminal harassment. The idea is to see whether the person can reasonably feel harassed. I gather that you have some objections to this change. I would like you to elaborate on this.

How could changing the subjective fear test to an objective fear test harm victims?

[English]

Andrea Silverstone: One thing we always say about coercive control is that fear is in the eye of the beholder. For example, I could have my partner show up at my work every single day at lunch with flowers, and that's a lovely act to me. If someone else's partner is coercively controlling and does exactly the same thing, what they're actually doing is checking up on them, making sure they're not having lunch with anyone they're not supposed to and they're eating what they're supposed to be eating, and checking what exactly it is they're doing.

When we say that something is measured by an objective standard, we're giving all the power to the perpetrator or the system to define what those actions are. What we need to have is a survivor impact framework that looks at behaviours and the impact of those behaviours on the individual, because what we're seeing, often, is only the tip of the iceberg of a pattern of behaviour being used to control somebody.

That's why I also recommend that the evidentiary standards include the ability to have expert testimony from witnesses regarding the impact on the victim, as well as other corollary information that can track things like that, like digital trails and that sort of thing.

[Translation]

Rhéal Éloi Fortin: Ms. Silverstone, my time is running out fast. I had two minutes, but I wanted to make sure that I remembered to ask you something. I asked you earlier about statistics or more detailed information on the distribution of intimate images. If you, Ms. Kim or Ms. Irons, as the case may be, have any information or details or additional statistics on this issue, I would really like to have them. If you could pass them on to us, we would appreciate it.

Ms. Kim, could you quickly share your opinion on the issue at hand concerning the subjective or objective fear test? Do you have any views on this?

[English]

Rosel Kim: Yes. Our position is to maintain the current wording of the criminal harassment offence and not to replace “subjectively feared” with an objective requirement. Our concern also rests with how objective fear might be assessed. That might fail to account for the power imbalance between the abuser and the survivor. There could be some social systemic biases influencing what an objective fear looks like.

The Chair: Thank you, Ms. Kim. I'm going to have to stop you there.

Thank you, Mr. Fortin.

There are two more people left in this round, but we're going to cut into the second hour. I have Ms. Cody next, and then Ms. Nathan.

Are you okay if we go to three minutes each? Then we won't shortchange the second hour too much. Are you good with that?

Roman Baber: Don't we have a vote at six o'clock?

The Chair: We'll deal with that separately. That's another reason I want to move it along.

Ms. Cody, I'll give you three minutes. Go ahead.

Connie Cody (Cambridge, CPC): Thank you to the witnesses for coming today. I also want to give my condolences to Ms. Irons on the loss of her daughter.

In my work on the status of women committee, I've heard concerning testimony that the trafficking and exploitation of seniors are increasing. I've also heard, through conversations with the chief of police in a northern community, that elder abuse is now ranking third, behind intimate partner violence and child exploitation.

My question is for Andrea Silverstone.

In your experience in domestic violence prevention, are you seeing coercive control impacting seniors or older women differently, particularly through dependency, isolation or financial control?

Andrea Silverstone: The answer is absolutely yes, for all the reasons you said.

I'm going to add another layer. In cases of elder abuse, particularly of women, sometimes the person who is the perpetrator is their child. It is much more complex to untangle that relationship, especially when a parent feels a lot of responsibility for the behaviour of their child and the relationship with their child. They can't separate themselves in the same way. Therefore, it adds another layer of complexity.

Then, of course, we have the additional vulnerabilities that seniors have in terms of their capacity for their own caregiving, depending on where they are in the journey of their lives.

Absolutely. It's for the reasons you said, as well as additional ones.

- (1730)

Connie Cody: Do you feel that Bill C-16 gives enough tools to identify and respond to those situations?

Andrea Silverstone: Currently, as the bill is written, I don't think it does. We've suggested this in our brief.

Essentially, what we're asking is that one of the sections say that, for the purposes of the section, "personally connected" includes relationships of dependence and trust, whether or not the persons co-habitate or are related by blood or marriage.

Connie Cody: I'd also like to ask Ms. Kim this. From a legal perspective, do you see any gaps in Bill C-16 when it comes to protecting seniors, particularly in cases of coercion or financial abuse that may not fit traditional definitions of intimate partner violence?

Rosel Kim: I think those gaps certainly exist, but I'll just repeat that I think there need to be supports for seniors that would allow them to get to a safer situation, beyond criminal law reform.

Connie Cody: Ms. Silverstone, are there barriers that might make it harder for seniors to access these protections?

Andrea Silverstone: Right now, based on how the piece of legislation has been written, it doesn't include seniors, because it has to be an intimate partner relationship. It only includes seniors who are in an intimate partner relationship, which is why the definition

needs to be broadened, because we know that seniors are often in relationships of dependency and trust: sometimes with a caregiver who might be their child, sometimes with a caregiver who might be their partner, which this legislation would cover, and sometimes with someone who's been hired. In all of those cases, there's dependency and trust, and elders need to be considered and protected. That is not currently broad enough under this piece of legislation.

The Chair: Thank you, Ms. Silverstone and Ms. Cody.

Ms. Nathan, we'll go to you for three minutes.

Juanita Nathan (Pickering—Brooklin, Lib.): Thank you, Mr. Chair.

I want to thank all of the witnesses. Especially, Ms. Irons, I want to give you my condolences and commend your bravery.

My first question is for Ms. Silverstone.

Sagesse has developed a reputation for working not just with survivors but with the broader ecosystem around domestic violence prevention, including in schools, workplaces and community organizations. Your organization works extensively on behaviour change programs for those who perpetrate domestic violence. How important is it that legislation like Bill C-16 is paired with intervention supports, not just for survivors but for those at risk of causing harm? If you have any recommendations around that, you could give them now.

Andrea Silverstone: Thank you so much for this question, and thank you for looking at this issue as a broad issue.

One of the things that we say at Sagesse is that domestic abuse and coercive control are a whole-of-society issue. There are the people who are harmed, the people who are using harm and then the family and friends who are witnesses to it. The ecosystem that we take care of has to be the ecosystem of all those people. If we don't serve those who are harming, those who are harmed and the informal supports, we're not fully addressing this issue in the way we need to.

Ms. Kim has talked about how we need to have non-legislative responses. I absolutely agree, but I don't think they're mutually exclusive. I think we have to have legislative responses, and then we have to have really robust systemic responses for every part of society that's impacted by this issue. I also want to mention that children are a part of that as well.

Juanita Nathan: Thank you for that.

I also know that your organization serves a diverse range of individuals across Alberta. The experiences of coercive control can look very different depending on one's cultural background, immigration status or socio-economic circumstances.

In your experience working directly with communities, how important is it that legislation like Bill C-16 is implemented alongside culturally sensitive supports? Are there populations that you believe this bill may have difficulty reaching? You can also talk a bit about the first nations, if you want.

Andrea Silverstone: What I'll say is this. We have an issue across Canada in that your postal code will often determine the level of service you get. It's not an issue with this piece of legislation; it's a Canada-wide issue.

We work across Alberta and Saskatchewan, and I would suggest that we see a very big difference in both the effectiveness of our programs and the response between urban and rural centres, because there are fewer services available in rural centres. I would also say that we see a difference when we work with indigenous clients or clients from ethnocultural communities because of access to services, as well as access to justice based on geographic issues. If you don't have Internet in the place where you live or you don't have fresh running water or somewhere to put your head at night, those are all massive issues.

Is this bill going to solve that? No. Do we still need to solve those problems? Yes, but I think that this bill, if paired with an understanding that we still need to be working on all of those issues, and also recognizing that we need robust training and services to be able to create equity no matter what your postal code is.... That's what we should be looking at.

● (1735)

The Chair: Thank you, Ms. Silverstone.

Ms. Nathan, thank you.

Thank you to all three of you for coming today and participating in this important discussion about Bill C-16.

I'm going to suspend the meeting for just a moment or two. We already have the next panel of witnesses queued up, so we don't have to stop for much time. Preferably, stay in your seats.

I'll thank the witnesses again, and they can sign off now.

We'll suspend for a moment.

● (1735)

(Pause)

● (1740)

The Chair: I'd like to call the meeting back to order.

We'll get going quickly here with our second panel of witnesses.

We have, from the Canadian Police Association, Tom Stamatakis, president; from Humane Canada, Kerri Thomson, manager, justice and legislative affairs; and from Rise Women's Legal Centre, Vicky Law, executive director.

You've all had your sound test completed.

Thank you for coming.

We're going to do opening comments, followed by questions. We'll give each of the witnesses up to five minutes for their opening statements. After all three have finished, we'll go to questions.

Ms. Law, you were nodding your head in agreement, so I'm going to start with you.

● (1745)

Vicky Law (Executive Director, Rise Women's Legal Centre): Thank you very much, Chair and committee members.

My name is Vicky Law. I am a lawyer and the executive director of Rise Women's Legal Centre. We deliver free family law services to women and gender-diverse individuals in B.C., specializing in supporting survivors of family violence. Our organization conducts original research into family violence and the legal system, and provides ongoing training to law and social work students and legal professionals across B.C.

With my limited time today, I want to focus my remarks on the potential criminalization of coercive and controlling behaviour. My comments originate from Rise's joint written submission with the West Coast LEAF Association, a B.C.-based legal advocacy organization working toward gender justice through litigation, law reform and public legal education. Our submissions were provided to the Department of Justice in October 2023.

Before I dive into the criminal offence, I want to share that B.C. has included a definition of family violence in our family law legislation since 2013 that recognizes non-physical forms of violence, including coercion. We have also seen amendments to the Divorce Act in 2019 to include a new legal definition of family violence that specifically includes coercive and controlling behaviour. Therefore, family law in B.C. has preceded criminal law in identifying controlling and coercive behaviour as unacceptable and harmful.

Despite the expanded definition of family violence, which has been in place for over 10 years in B.C., we continue to see courts, lawyers and law enforcement struggle to meaningfully expand their view of coercive and controlling behaviour beyond single incident-based physical violence. We continually see the minimization of non-physical violence. Survivors have shared that they have experienced death threats or threats causing bodily harm, which would attract a criminal response, but are often minimized as part of a breakup. We have heard many legal professionals hold the common but false belief that violence ends upon separation and, as a result, safety concerns are no longer present.

In order to have effective laws to prevent further intimate partner violence, the creation of new criminal offences and new legal definitions requires difficult and systemic work to address pervasive misconceptions, myths, stereotypes and biases. We encourage this government to adopt legislation that prohibits all forms of myths and stereotype reasoning. Dr. Kim Stanton, who recently completed a systemic review of B.C.'s treatment of sexual and intimate partner violence in the legal system, recommends that the British Columbia government consider "the approach taken in Québec's Bill 73", which explicitly lists six factors that are presumed irrelevant where allegations of sexual or spousal violence are present. We endorse the approach that these factors are important to consider and to adopt in legislation in order to prevent myths and stereotype reasoning.

Coupled with false misconceptions, coercive control requires a radically different approach to understanding violence. It requires police and legal system professionals to recognize and assess subtle patterns occurring over long periods of time, rather than focusing on individual incidents of assault. This shift requires ongoing and widespread education, including significant commitment to training legal system participants.

I have heard Minister Fraser addressing the need to train law enforcement on the evolving use of technology to harm victims of violence, such as the use of electronic monitoring and deepfakes. It is our position that training on coercive control and the dynamics of intimate partner violence is equally important to fully comprehend the safety risks for survivors and their children. This recommendation is supported by Dr. Stanton. While her report is focused on B.C.'s legal system, I would encourage this committee to consider Dr. Stanton's recommendations when reviewing this bill and any other criminal offences related to sexual or intimate partner violence. Dr. Stanton encourages police officers to reframe their approach from "What charges can be laid here?" to "How can I keep them safe?" This is a reference to the final report of the Mass Casualty Commission.

History has shown us that we cannot create new laws without a wider investment in education and services. We have seen situations where a perpetrator is charged or even convicted with an offence related to intimate partner violence, and the perpetrator went on to commit femicides against previous intimate partners. This happened in the Renfrew county triple femicide of 2015. Earlier this year in B.C., a woman was murdered, allegedly by her former partner, despite there being court orders related to domestic violence.

• (1750)

Following recommendation 12 of the final report of the Mass Casualty Commission, we encourage the government to establish an expert advisory panel prior to finalizing any legislation relating to coercive control—

The Chair: I'm going to have to ask you to stop there, Ms. Law. We're tight on time. That's the five minutes, but there'll be—

Vicky Law: I'll just say, for a more thorough discussion, please refer to our submissions that were provided to the Department of Justice in October 2023.

Thank you.

The Chair: Thank you.

Ms. Thomson, we'll go to you for up to five minutes.

Kerri Thomson (Manager, Justice and Legislative Affairs, Humane Canada): Thank you, Mr. Chair. I appreciate that.

Good afternoon, Mr. Chair, vice-chairs and committee members. Thank you for the opportunity to appear today.

Humane Canada is the federation of humane societies and SP-CAs across 10 provinces and two territories. Our members are the organizations that Canadians rely on most to care for abused and abandoned animals, advocate stronger protections and support communities with resources and education.

We are also the founders of the Canadian Violence Link Coalition, a partnership of multisector stakeholders examining the well-established connection between animal abuse and human violence, known as the violence link, which is often present in coercive control, intimate partner violence and child sexual abuse.

I'm here today to support Bill C-16 and its measures addressing animal sexual abuse images. These images are frequently used by predators to groom children and normalize sexual abuse. Animals are also used directly as tools of coercive control by abusers, and their abuse can signal escalation toward more severe forms of intimate partner violence. We are grateful to Minister Fraser for including these often-forgotten victims in this bill.

However, we must draw your attention to another emerging threat: animal cruelty and torture imagery. This content is being used by violent online networks to target and recruit vulnerable children and youth by desensitizing them toward extreme violence.

Evidence from the RCMP and our own research indicates that nihilistic online groups like The Com and 764 groom young people to build trust, and then coerce them into creating and sharing increasingly severe content, such as animal torture, bestiality, child sexual exploitation and self-harm. These networks operate in plain sight on platforms such as Telegram, Roblox, Discord, Minecraft and Twitch, often luring targets to other platforms to continue grooming away from moderator oversight.

There are also organized groups producing cruelty content, such as “crush videos”, for profit. The recent Winnipeg case of a couple who created and sold animal crush videos to a Telegram group of over 100 members, which required applicants to provide videos of themselves torturing an animal to gain membership, demonstrates that this violence is happening right here at home.

While the Criminal Code addresses some forms of animal cruelty and sexual abuse, and Bill C-16 would criminalize the creation and distribution of bestiality representations, there is no meaningful mechanism to address non-sexual animal torture and cruelty content being created and circulated online. This material harms the animals involved and causes serious trauma to children, youth and adults who may encounter it, whether intentionally or not. Worse, it can normalize violence and inspire viewers to act.

In the brief we submitted, we recommend strengthening Bill C-16 by criminalizing the creation, distribution and possession of all animal cruelty and torture content and by adding the creation and possession of animal sexual abuse imagery to the offence proposed under proposed subsection 160(3.1). These additions would help close existing loopholes and better reflect modern criminal harms.

Recent media articles and recent research underscore the urgency of this issue. Just this past December, our government declared online nihilistic groups such as 764, Maniac Murder Cult, and Terrorgram Collective as terrorist entities under the Criminal Code. These are the largest groups using child sexual abuse materials, or CSAM, and animal torture imagery for maximum shock value and their ability to desensitize potential victims.

The United States' 2019 Preventing Animal Cruelty and Torture Act allows for prosecution of these offences both within and outside U.S. borders, something that Canada's current laws do not easily permit.

A new report by Finland's Protect Children, sponsored by the U.K. online safety regulator Ofcom, involved over 20,000 adults who had viewed CSAM. Nearly half of those respondents had also sought out or encountered other illegal content, most commonly animal cruelty, self-harm and extreme violence. This intersection of violence is clear.

Finally, laws are only as effective as their enforcement, so we urge that any amendments involving animal victims include mandated training for justice stakeholders on the nuances of animal abuse in relationship violence. Humane Canada would be happy to support the government with research, training and outreach to ensure that these measures are implemented effectively.

Thank you. I look forward to your questions.

• (1755)

The Chair: Thank you, Ms. Thomson.

It's over to you, Mr. Stamatakis.

Tom Stamatakis (President, Canadian Police Association): Good evening, Mr. Chair and members of the committee.

Thank you for the opportunity to appear before you today on behalf of the Canadian Police Association, representing more than 60,000 frontline police personnel in Canada.

The CPA broadly supports Bill C-16, the protecting victims act. From a frontline policing perspective, this legislation represents a meaningful and necessary step toward strengthening protections for victims, modernizing key elements of the Criminal Code and addressing ongoing operational challenges within Canada's justice system.

At its core, Bill C-16 reflects the realities that police officers encounter every day. The creation of a new offence targeting coercive or controlling behaviour toward an intimate partner is an important recognition that violence is often a pattern of escalating conduct, not a single incident. Earlier intervention tools in these cases can help prevent more serious harm.

The amendments to criminal harassment, moving from a subjective fear standard to an objective reasonableness test, will better align the law with how these offences are investigated in practice.

We also support strengthened provisions related to child protection, including new offences addressing the recruitment of youth into criminal activity and measures to combat online exploitation, which are areas of growing concern for our frontline officers.

Mr. Chair, I would like to focus on what we see as one of the most important elements of this bill: the provisions addressing delay in the justice system.

Since the Supreme Court's decision in Jordan, frontline police have seen the real consequences of delay in criminal proceedings. While it was intended to protect the rights of the accused, the operational reality is that serious cases are too often at risk of being stayed due to timelines that do not always reflect the complexity of modern investigations.

Bill C-16 takes a constructive step forward by providing clearer guidance to the courts in assessing delay, including recognizing case complexity and reinforcing that a stay of proceedings should be a last resort. When serious cases are stayed due to delay, the impact is immediate and tangible. Victims are left without resolution, communities lose confidence in the system, and the work of frontline officers is undermined. These reforms help restore balance by ensuring that delay analysis better reflects the realities of contemporary policing, including digital evidence, multi-accused prosecutions and the demands placed on victims and witnesses.

Mr. Chair, I'd also like to briefly address some of the concerns that have been raised about this legislation.

We have heard criticism that certain provisions go too far or reflect a particular ideological direction. From the perspective of frontline policing, we would suggest that this debate should remain grounded in practical realities. There is broad support across Canada for police and for holding offenders accountable, but that accountability depends on having a justice system that is equipped to respond to modern crime. Today's investigations are more complex and more digital and often involve vulnerable victims. Measures that clarify offences, modernize tools and help ensure that cases are not lost to delay are practical responses to those challenges, not ideological choices. Public safety policy is strongest when it's guided by evidence and operational experience. In our view, Bill C-16 largely reflects that approach.

In closing, the Canadian Police Association supports Bill C-16 as an important and constructive step forward. It strengthens protections for victims, improves the ability of frontline officers to respond to evolving crime and begins to address long-standing challenges related to delay in the justice system. We encourage all members of Parliament to focus on the practical impact of this legislation and the shared goal of maintaining a justice system that is both fair and effective.

Thank you. I look forward to your questions.

The Chair: Thank you very much.

We're going to start the first round. We're going to shorten it from six minutes to five minutes each, in anticipation of the bells coming. Then we can get a full round in. Is everybody in agreement with that? Okay.

Mr. Gill, I believe you're starting us off for five minutes.

Amarjeet Gill: Thank you, Chair.

Thanks to all our witnesses.

My question is for Mr. Stamatakis.

Do you believe that Bill C-16 is strong enough on criminals to protect victims?

• (1800)

Tom Stamatakis: As I said in my remarks, I think it's a step in the right direction. I think it gives our members more tools in terms of how to respond to issues like coercive control and how to deal with the growing issue of the exploitation of children by using technology to engage in those kinds of activities. I think it's a step in the right direction. Can there be more? I think you can always come up with suggestions in terms of how to improve legislation.

Amarjeet Gill: You said that it's a step in the right direction. Do you think we have to take more steps to make it robust?

Tom Stamatakis: I heard some testimony earlier about including in the legislation language around protecting seniors, who are often victims of coercive control or inappropriate conduct from family members or other people they have relationships with. That's just one example where there could be more added to the legislation.

However, as I said, I think this is a step in the right direction.

Amarjeet Gill: Do you believe that this bill does enough to deal with repeat offenders, particularly for intimate partner violence?

Tom Stamatakis: This is a conversation that's been happening in Canada for some time. There's a lot of consensus that we aren't appropriately dealing with repeat violent offenders. I think there's other legislation currently before the House specifically with respect to bail reform, which I think is a step in the right direction as well.

Any time we can modernize legislation so that there are better, more effective tools for police to use, yes, we will do a better job of protecting people who are being victimized.

Amarjeet Gill: Do you think that current bail provisions, such as the incomplete Bill C-14 on bail and sentencing, undermine the intent of this bill?

Tom Stamatakis: No, that's not what I think at all.

Amarjeet Gill: Do you believe that law enforcement has sufficient resources to keep up with this proposed legislation?

Tom Stamatakis: I think that resources in law enforcement in Canada generally are a challenge. The challenge is different in different parts of the country. For example, in urban areas, we have more police officers and more access to a better response. When you get into more rural, remote parts of the country, we're grossly understaffed in those parts of Canada, which again raises the challenge in terms of how you can respond to people who are being victimized.

In many ways, when you modernize legislation, that creates efficiencies. I think that if we can get into more proactive management of cases, so that they're not being stayed or unnecessarily adjourned, all of those things together will provide better protection. I think this bill takes us in the right direction.

Amarjeet Gill: I'll cede my time to Mr. Baber.

Roman Baber: I wish to alert the committee to an article that appeared this morning in the National Post, titled "Fraser says he considered notwithstanding clause after court struck down child porn penalties". This is an article from this morning, by Stephanie Taylor. I was pleased to learn that Sean Fraser had considered the invocation of the notwithstanding clause.

However, I was reminded of his testimony on Monday, when he suggested that he did not feel that it was appropriate to invoke the notwithstanding clause in response to the Senneville and Naud decision, which struck down the mandatory minimum sentences for child pornography. Specifically in Mr. Naud's case, it awarded him with nine months instead of the mandatory one year, subsequent to him being found in possession of more than 250 videos of children being, effectively, raped. I've put it to the Attorney General that this is precisely the type of scenario—

The Chair: Mr. Baber, I'm going to have to stop you, for two reasons. One, you're out of time—

• (1805)

Roman Baber: I have another 35 seconds.

The Chair: You don't.

Two, the bells are ringing.

Roman Baber: Okay, on the clock here we have four minutes and 35 seconds.

The Chair: Mr. Baber, we've had this discussion before. The clock is here. It's the same for everybody. You seem to be the only person who has a problem with it. You're out of time.

The bells are ringing. We agreed we're going to finish this round. I need unanimous consent to adhere to that agreement, in which we'll do five minutes each. We'll move to Mr. Chang and then Mr. Fortin, and then we can adjourn and go vote.

Do I have unanimous consent?

Some hon. members: Agreed.

The Chair: Mr. Chang, you have five minutes.

Wade Chang: Ms. Thomson, what legal protection currently exists or should exist to help survivors protect their pets or companion animals when leaving an abusive relationship? Does Bill C-16 improve access to those protections?

Kerri Thomson: Thank you for the question, MP Chang.

The current bill, as it stands, adds provisions for animal victims, as well as survivors of intimate partner violence. The challenge is that the system is not there to support survivors with pets or animals. I believe only 28% of anti-violence shelters accept animals. We welcome this bill for the provisions it adds for animal victims of this type of violence, because they are very often used as pawns in abusers' tactics to terrorize their victims.

It's the systemic supports that exist beyond the criminal element that we need to beef up.

Wade Chang: Thank you.

What changes, whether in law enforcement, social services or community awareness, do you think are most urgently needed to protect those who have companion animals or pets?

Kerri Thomson: I think all three of those could use training on how animal abuse manifests in relationship violence. It's not always physical. There's the emotional abuse of threats to the animal. There's financial abuse, where you're not allowed to take the animal to the vet or feed it, in some cases. There's also technologically facilitated abuse, where trackers are put on leashes.

Training on what constitutes animal abuse in that particular situation is desperately needed at all levels—law enforcement, community services and justice stakeholders.

Wade Chang: Thank you very much.

I will turn to Ms. Law.

The bill proposes treating certain killings of women as first-degree murder under the concept of femicide. Do you believe this legal recognition will have practical effects on prevention or accountability?

Vicky Law: Thank you, Mr. Chang.

Our organization does not provide criminal law services, so unfortunately I won't be able to speak to your question.

Wade Chang: Okay.

Bill C-16 introduces new offences targeting coercive and controlling behaviour in intimate relationships. In your experience, how important is this change for survivors who often face non-physical forms of abuse?

Vicky Law: In my experience and that of the organization, I will echo Ms. Kim's and Ms. Silverstone's comments from the earlier panel.

There have been anti-violence experts who have identified the difficulties of survivors accessing this protection under the Criminal Code. We currently have other Criminal Code offences that could protect survivors. We know that intimate partner violence and sexual assault are two of the most under-reported crimes, and I don't think the creation of this coercive control criminal offence will change that.

Wade Chang: How do you assess the potential for Bill C-16 to meaningfully improve safety and access to justice for survivors of gender-based or intimate partner violence?

Vicky Law: As I said in my opening remarks, and to echo what Ms. Thomson said, I think the best way to move forward and to provide protection is education for all legal system actors so that they understand what intimate partner violence is and so that police officers, Crown prosecutors and judges can move forward and afford the necessary protection to survivors and victims.

• (1810)

Wade Chang: Thank you.

I have no further questions.

The Chair: Thank you, Mr. Chang.

It's over to you, Mr. Fortin, for the last five-minute round.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Mr. Stamatakis, I would like to hear the police perspective. Bill C-16 proposes to combat intimate partner violence, including coercive control. We want to and must fight this scourge. However, I would like your opinion on whether it's appropriate to do the same for seniors.

In your experience, are police officers often called upon to respond to situations involving the coercive control of seniors at the hands of their children, neighbours or other relatives?

[English]

Tom Stamatakis: Yes, it's a very common occurrence that police often get called to respond to. It's challenging. I've heard witnesses give previous testimony around that. Often, it's a child or it's a caregiver. The senior person perhaps has some challenges in terms of communicating what's been happening.

It is a significant challenge. If there was specific legislation around that, specifically on the issue of seniors who are victimized in this way, I think it would be helpful.

[Translation]

Rhéal Éloi Fortin: At the Canadian Police Association, do you have any statistics on the number of responses required for similar cases involving seniors?

[English]

Tom Stamatakis: I don't have statistics with me at the moment. We will have statistics about those types of calls, so I can get you that information.

[Translation]

Rhéal Éloi Fortin: I would be grateful, Mr. Stamatakis. You can send them to the clerk, with whom you have been in contact up to now. He'll forward them to us.

I would also like to talk about mandatory minimum sentences. We know that this has been an ongoing debate in the House for many years. In any case, we've been talking about it for the entire 10 years that I've been here. I'm sure that people were talking about it before too.

On the one hand, we would like to see more mandatory minimum sentences. On the other hand, we don't think that they're necessary or useful. In between, we have the Supreme Court, which has struck down many of these sentences. Bill C-16 proposes to "rehabilitate" certain mandatory minimum sentences by allowing the court to waive them if, in the circumstances of the case under consideration, they would amount to cruel and unusual punishment. I would like to hear your views on this.

First, do mandatory minimum sentences act as a deterrent? Do they help your members do their job?

Second, in your opinion, are the exceptions granted to waive these sentences in specific cases a good thing?

[English]

Tom Stamatakis: I think mandatory minimum sentencing is an important subject. It has been the subject of much conversation. I've been involved in that conversation over many years while in this role.

Look, sentencing people appropriately when they commit offences is an important tool in terms of either deterring those very people from recommitting offences or deterring other people from committing those offences. At the very least, it does help us from a frontline policing perspective, because it takes that offender away from the community where they're causing harm and puts them into an institution for a period of time. The challenge is that we need to build more capacity in our institutions in terms of housing people and in terms of whether we're getting to the underlying issues. If all we do is sentence people to jail without getting to those underlying issues that drive the offences, we're not going to get to better outcomes, ultimately.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Stamatakis.

On the same topic of mandatory minimum sentences, another line of thinking holds that this issue affects marginalized communities in particular. We hear a great deal about the Black and indigenous communities, for example. I would like to hear your views on this.

Is there indeed cause for concern regarding mandatory minimum sentencing for these specific communities, or is it a non-issue?

[English]

Tom Stamatakis: I think it's a complex problem. It's a problem that requires a lot of context. Again, instead of focusing on the outcomes, which can often be the arrest or the incarceration of somebody from a marginalized or vulnerable community, how about looking at why those people are finding themselves in circumstances where they're having these interactions with the police? We need to look at that more carefully and do more about that.

• (1815)

[Translation]

Rhéal Éloi Fortin: I'm glad to hear it. That's what I thought. I would have liked to go further, but perhaps we'll come back to this.

Thank you.

[English]

The Chair: Thank you, Mr. Fortin.

Thank you to our witnesses. We appreciate the time. Unfortunately, we were called away to go and vote, but we got your evidence in and we got one round of questions in, so we're very, very grateful.

Thanks, everybody.

The meeting is adjourned.

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