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• (1100)

[*Translation*]

The Vice-Chair (Larry Brock (Brantford—Brant South—Six Nations, CPC)): Good morning, everyone.

Welcome to meeting number 25 of the House of Commons Standing Committee on Justice and Human Rights.

[*English*]

Pursuant to the order of reference of February 2, 2026, the committee is resuming its study of Bill C-16, an act to amend certain acts in relation to criminal and correctional matters.

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

I would like to confirm that sound tests were made successfully. Is that correct? Okay.

Before we continue, I would ask all in-person participants to consult the guidelines written on the cards on the table. These measures are in place to help prevent audio feedback incidents and to protect the health and safety of all participants, including the interpreters. You will also notice a QR code on the card, which links to a short awareness video.

I would like to make 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. 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: the floor audio, English or French. For those in the room, you can use the earpiece and select the desired channel.

I remind participants that 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. We appreciate your patience and understanding in this regard.

[*Translation*]

I would like to welcome the three witnesses.

[*English*]

As an individual, we have Mr. Colton Fehr, assistant professor from the University of Saskatchewan; Ms. Joanne Blinco from the Alberta Elder Abuse Awareness Council; and Dr. Benjamin Roebuck, appearing in person, from the Office of the Federal Ombudsman for Victims of Crime.

The floor is open for your opening remarks of up to five minutes, followed by questions from members.

Mr. Fehr, please go ahead.

Colton Fehr (Assistant Professor, University of Saskatchewan, As an Individual): Thank you for the invitation to comment on this important bill.

I'll focus on proposed section 63, which proposes a safety valve clause for most minimum sentences of imprisonment. In support of this legislation, I'll make four comments.

First, this legislation is the minimum constitutional response to the problems posed by mandatory sentences. As the Supreme Court stated in *Lloyd*, for a minimum sentence to survive charter scrutiny, there is only one requirement: “that the residual discretion allow for a lesser sentence where...the mandatory minimum...would constitute cruel and unusual punishment.” That is precisely what Bill C-16 proposes. It is also well known that the phrase “cruel and unusual” in law means “grossly disproportionate”. The application of this standard ensures that Parliament maintains substantial influence over sentencing.

The ubiquity of the gross disproportionality standard in charter jurisprudence also ensures that courts have access to a rich body of cases to guide them in crafting exemptions. This leads me to my second comment.

Despite current jurisprudence, some judges will likely err for problematic reasons, including reasons that perpetuate sexual myths and stereotypes. I and others have accordingly recommended that certain factors be excluded from consideration when applying the exemption clause for, say, the sex offender registry, and a similar recommendation seems apt here.

Specifically excluded reasons might include the following non-exhaustive list taken from section 51 of South Africa's Criminal Law Amendment Act. These include "the complainant's previous sexual history"; "an apparent lack of physical injury to the complainant"; "an accused person's cultural or religious beliefs" about sexual assault; and "any relationship between the accused person and the complainant". Parliament may also consider excluding self-induced intoxication as a relevant factor, as it occurs under Australia's Northern Territory legislation.

My third comment is that Parliament should further contemplate how courts will use their exemption power in hard cases. Bill C-16 still requires the imposition of some prison sentence in cases where the exemption applies, presumably because paragraph 742.1(b) of the Criminal Code will thereby prevent judges from imposing a conditional sentence order. Judges will likely respond by sentencing some offenders to a one-day sentence and a probation order, which will likely be upheld on appeal in some cases. If Parliament thinks this would be imprudent, it should permit limited access to conditional sentence orders. In some cases, such a sentence may better achieve denunciation and deterrence.

Finally, a caution is warranted with respect to the minimum sentences that are excluded from the safety valve. While the minimum sentences for first- and second-degree murder were upheld in *Luxton and Latimer*, these cases applied a now overruled methodology for constitutionally assessing minimum sentences. A more expansive approach to foreseeable scenarios, combined with much improved evidence on the impact of long-term imprisonment on prisoners, as well as the repeal of the "faint hope" clause, suggests that rechallenges have a reasonable prospect of success, although I acknowledge that reasonable people may disagree on this point.

Even if those challenges fail, though, the minimum sentences for murder are problematic for another reason. They create a strong incentive to plead guilty to a lesser included offence, like manslaughter, despite the accused's possessing a potentially meritorious defence. This problem is particularly prone to arising for battered women who kill their abusers and plead self-defence. It may also arise when an accused presents strong evidence of a breach of charter rights during a police investigation, but exclusion of evidence is uncertain. Parliament may address this problem by either extending the exemption to all homicides or, more narrowly, allowing judges to circumvent a minimum sentence if the incentive to forfeit a defence unduly risks a wrongful conviction.

While these suggestions require detailed consideration, I want to close by re-emphasizing that the current legislation is a prudent response to *Quebec (Attorney General) v. Senneville* in this political moment. It also provides an excellent template to build upon after Parliament gathers evidence with respect to how the safety valve is applied.

Thank you.

• (1105)

The Vice-Chair (Larry Brock): Thank you, sir.

Moving on to Ms. Blinco, you have five minutes.

Joanne Blinco (Executive Director, Alberta Elder Abuse Awareness Council): Thank you for the opportunity to speak today.

My name is Joanne Blinco, and I work with the Alberta Elder Abuse Awareness Council. Our work focuses on strengthening a community response to elder abuse across the province of Alberta through coordination, education and support for frontline service providers and communities.

Every day, we see the impact of elder abuse on older adults and their families. Elder abuse can take many forms, including financial exploitation, emotional abuse, sexual abuse, neglect and physical harm. One of the most difficult and least visible dynamics we encounter within these forms of abuse is coercive control.

Coercive control often underlies many situations of elder abuse. It involves patterns of manipulation, intimidation, isolation and control that limit the older adult's independence and ability to make their own decisions. This can include restricting their access to money, isolating them from family and friends, monitoring their communication or pressuring them to sign legal documents, such as powers of attorney.

Unlike a single incident of abuse, coercive control often develops slowly over time. Because of this, it can be extremely difficult for older adults, families and even professionals to recognize what is happening.

We also know that older women are disproportionately affected. Rates of abuse among older women are higher than they are among older men, particularly in situations involving family relationships, dependency and coercive control. For many women, this may reflect patterns of control that have existed for years and continue into later life.

In Alberta, we are in a unique position compared to other parts of Canada. Across the province, we have specialized elder abuse case managers and coordinated community response teams that work together to support the older adult who is at risk of abuse or currently experiencing abuse. These teams bring together community organizations, social services, law enforcement and other professionals to respond to complex situations and support the safety and autonomy of older adults. Because of this coordinated system, we are also able to see patterns that might otherwise remain hidden.

In our casework, we are seeing situations where coercive control is a significant factor in elder abuse, particularly in older women seeking support. This tells us that coercive control is not just a theoretical issue. It is something that is actively affecting older adults in our communities today.

Recognizing coercive control within policy and legal frameworks would help communities, professionals and systems respond earlier and more effectively to protect older adults.

Thank you again for the opportunity to contribute to this important discussion.

• (1110)

The Vice-Chair (Larry Brock): Thank you.

Moving on to Dr. Roebuck, you have up to five minutes.

Benjamin Roebuck (Federal Ombudsperson for Victims of Crime, Office of the Federal Ombudsperson for Victims of Crime): Thank you, Chair.

We're meeting today on the unceded, unsundered territory of the Algonquin Anishinabe people. As we mark Red Dress Day on May 5, I want to acknowledge the families of missing and murdered indigenous women, girls and two-spirit people and other survivors calling for justice.

Bill C-16 represents the most significant advancement in federal victims' rights since the Canadian Victims Bill of Rights in 2015. It responds to half of the recommendations from our national systemic investigation, "Rethinking Justice for Survivors of Sexual Violence", which included consultations with thousands of survivors, frontline workers, service providers, justice professionals and experts across Canada. The bill includes recognition of victim interests in delaying Jordan applications, presumptive access to testimonial aids, a Criminal Code framework for restorative justice, expanded protections for sexual offences and sexual exploitation, and an expansion of the Canadian Victims Bill of Rights, including a new right to respect and fairness.

The CVBR is quasi-constitutional legislation. Parliament gave it primacy and linked victims' rights to the charter and the proper administration of justice. At the same time, the CVBR imposes extraordinary limitations on enforcement. Section 27 denies legal status on the rights, section 28 denies civil remedies and section 29 denies appeals based on violations of the CVBR. Victims' rights in other countries are not so constrained. Sections 27 to 29 should be repealed. If they remain, procedural fairness requires that the complaints mechanism chosen by Parliament be clear, accessible and effective.

Bill C-16 expands the scope of admissible CVBR complaints. One improvement Parliament can make is naming the Office of the Federal Ombudsperson for Victims of Crime in the CVBR complaints and remedies provisions, including in subsection 25(2). This is not mandate expansion, but procedural clarity. Other quasi-constitutional statutes have named oversight bodies to support independent review and consistent application. Under the CVBR, we still have practical gaps, including limits on access to information required to assess complaints, particularly under the Corrections and Conditional Release Act. If victims are directed to a complaints-based system as their primary form of redress, that system must be capable of meaningful review.

Proposed section 8.1 of the CVBR, on federal entities with information-sharing obligations, is a positive development, but the list must be explicitly non-exhaustive. The provision should state "in-

cluding but not limited to", and it should explicitly name the Canada Border Services Agency and the Department of Justice. Survivors should have a right to know when the person who harmed them has been removed from Canada as a result of a criminal offence, regardless of whether a sentence has expired. This is a narrow, safety-focused clarification to address CVBR complaints. In one case, a survivor has spent years in witness protection and has no right to know if the person who harmed her has been removed from Canada.

I strongly support reforms to better protect therapeutic records. These reforms respond directly to our investigation and the advocacy of survivors. We heard that subpoenas for counselling records forced survivors into impossible choices between asking for mental health care or participating in the justice process. In our national survey, 20% of survivors of sexual violence avoided counselling due to the fear that their records could be subpoenaed, and 13% chose not to report to police for the same reason. One survivor told us, "When I heard he was applying for my [counselling] records I wanted to die."

Beyond the human cost, these practices drive delay and inefficiency. Records applications are brought mid-trial, triggering adjournments, Jordan risks, prolonged proceedings and increased costs across the justice system. By raising the admissibility threshold to innocence at stake, Bill C-16 protects survivors' access to life-saving care, reduces speculative and last-minute applications, minimizes delay and strengthens public confidence in the justice system.

This reform safeguards full answer and defence by allowing access to records when they're necessary while eliminating practices that have a discriminatory impact on women's access to health care.

Thank you.

• (1115)

The Vice-Chair (Larry Brock): Thank you, Dr. Roebuck.

We're now moving on to members' questions.

Mr. Gill, the floor is yours. You have six minutes.

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

Good morning, everyone.

I would like to thank all the witnesses for their testimony and their contribution to our committee's study on this bill.

Dr. Roebuck, my questions will be for you today.

First, I want to thank you for your service in protecting and advancing the rights of victims of crimes in Canada.

Your 10-year progress report on the Victims Bill of Rights stated that the Liberal government ignored all 15 recommendations you made in 2020 to improve the bill. Does this bill include any of those recommendations?

Benjamin Roebuck: It does. The bill includes extensive recommendations that our office has made, both to improve the Canadian Victims Bill of Rights and in other areas of substantive fairness for survivors.

Amarjeet Gill: Have you raised to the minister the issue that the Victims Bill of Rights is not enforceable?

Benjamin Roebuck: We've raised that issue consistently, across every platform imaginable.

Amarjeet Gill: What did they tell you?

Benjamin Roebuck: This is something for all of Parliament. It's not a one-party issue.

I think that in this committee you can decide together how you want to address the enforceability of those rights.

Amarjeet Gill: Given that the bill you oversee is amended by Bill C-16, I assume you had input on the drafting process as well.

Benjamin Roebuck: We function as a special adviser to the minister and provide input regularly. We don't have access to cabinet confidence, so we can't see the technical provisions before they're introduced to the public, but we do provide answers to questions.

Amarjeet Gill: Did you recommend more changes to the bill of rights beyond those that appear in Bill C-16?

Benjamin Roebuck: Yes, in both progress reports, the five-year and the 10-year, there are recommendations beyond what's included in the bill.

Amarjeet Gill: Did the government ever explain why it ignored your other amendments? How will victims be affected by the half measures it has taken?

• (1120)

Benjamin Roebuck: We still need stronger enforcement on the victim rights, and we need courts particularly to recognize the quasi-constitutional nature of the CVBR.

One of our biggest challenges is that even though this is meant to guide the interpretation of the Criminal Code, it's still not included in provincial licensing exams to practise law where it's an error in law to not consider some of these rights and decisions. It needs to be picked up.

Amarjeet Gill: How many femicides are there per year?

Benjamin Roebuck: That's a great question. I don't know the number offhand.

Amarjeet Gill: In what percentage of those cases are police, child services and judicial or mental health systems aware of the offender prior to the killing?

Benjamin Roebuck: It's common that there's awareness prior to a homicide.

Amarjeet Gill: In what percentage of those cases are police, child services and judicial or mental health systems aware of the offender prior to the killing?

Benjamin Roebuck: It's common that there's awareness.

Amarjeet Gill: I'll say that the answer is 83%.

Benjamin Roebuck: Yes.

Amarjeet Gill: You told senators that service providers have been on the phone with survivors while the accused, who was released on bail without any notice, was at the front door and banging on it to get inside. How has the government fallen short on bail?

Benjamin Roebuck: We've seen many bills to address bail and strengthen bail provisions, but we still haven't addressed the most critical issue of informing victims when somebody who has harmed them and poses a lethal risk is released on bail.

Amarjeet Gill: Between 2018 and 2025, how many women were killed by someone they had a protection order against or where the accused was out on bail?

Benjamin Roebuck: It's more than 52.

Amarjeet Gill: Of those, how many had a history of violent convictions?

Benjamin Roebuck: Many had a history of violent convictions. I believe it was about 57% of perpetrators that were former intimate partners.

Amarjeet Gill: I'll ask Ms. Blinco some questions.

We have heard a lot about what coercive control looks like in intimate partner relationships. What does it look like in other contexts?

Joanne Blinco: In Alberta, we have 25 case managers across the province who provide support directly to the older adult. Having come from a world where coercive control was looked at as gender-based violence, I see that it's even more prevalent in elder abuse. It's so much subtler than it is in gender-based violence. An older woman, for example, cannot divorce her son. She cannot leave her son or child. What we see is manipulation. For example, an older woman might be told that she can't see her grandchildren anymore. We see intimidation. "If you continue with your behaviour, you will end up in a seniors' home or a lodge."

Coercive control is even more prevalent—in my opinion only, from what I've seen—in elder abuse than it is in gender-based violence.

[*Translation*]

The Vice-Chair (Larry Brock): Ms. Lattanzio, you have the floor for six minutes.

Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Mr. Chair.

[*English*]

My questions will be addressed to Mr. Fehr.

In the Senneville decision, the Supreme Court of Canada cited your work, Mr. Fehr, on reasonable hypothetical scenarios in order to assess when punishments become grossly disproportionate. Therefore, I'm going to be addressing my first few minutes' worth of questions and comments to you.

As you know, Bill C-16 reinstates certain mandatory minimum penalties that were previously struck down by the courts because they could, in some cases, result in disproportionate sentences. You have suggested that the best approach is “to adopt a 'safety valve'...that allows courts to impose a lesser sentence” where a mandatory minimum would lead to “an unconstitutionally severe punishment”. Bill C-16 takes precisely that approach.

In your view, does this strike the right balance, by preserving Parliament's intent while avoiding the need for the courts to rely on hypothetical scenarios when assessing constitutionality?

• (1125)

Colton Fehr: I think this strikes a reasonable balance. There's a sort of institutional tug-of-war between Parliament and the courts when it comes to appropriate or proportionate punishment. When we talk about proportionality and punishment, we balance a lot of very general principles: how best to denounce, how best to deter, how best to rehabilitate, and so on and so forth.

Getting to the correct punishment is an extremely difficult exercise. It's reasonable for courts and legislatures to take different views. I think that's what we're seeing in these minimum sentence cases. The courts have operationalized the reasonably foreseeable scenario methodology to impugn minimum sentences. What Bill C-16 does is take that reasonably foreseeable scenario tool away from the courts.

Now, an individual may be exempted from the minimum punishment only if proposed section 718.4 —the safety valve—applies. Many different jurisdictions across the world have used a safety valve and use different types of standards. They might say that a substantial departure from a reasonable sentence, in some exceptional circumstance, might warrant an exemption, and that's fine.

In Canada, the minimum that is necessary is this gross disproportionality exemption, and that seems like an acceptable and, certainly, a constitutional response.

Patricia Lattanzio: In your view, does the inclusion of the safety valve—

[*Translation*]

Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Mr. Chair, I don't want to interrupt our colleague, and you can stop the clock, but I want to bring up an anomaly. The French interpretation is on the English channel. I found it, but did everyone? I'm wondering if there's a problem that needs to be fixed.

[*English*]

Colton Fehr: I had the same problem. I was on “French” for a while, and I was getting—

[*Translation*]

Rhéal Éloi Fortin: I'm getting a thumbs-up.

Thank you, Mr. Chair.

[*English*]

The Vice-Chair (Larry Brock): You're all right.

Patricia Lattanzio: Mr. Chair, I take it that my time was interrupted, and I have—

The Vice-Chair (Larry Brock): Yes.

Patricia Lattanzio: Thank you.

Mr. Fehr, let me put a quote to you.

People will say that [mandatory minimums] failed in the Harper era. [They] failed...because all we needed was a safety valve to say, “except in exceptional circumstances”. That is it.

These remarks were made just recently, in 2025, by a Conservative member of Parliament and the current public safety critic in support of adding a safety valve to mandatory minimum penalties. However, today, the Conservatives are opposing Bill C-16, which includes this very mechanism.

Could you comment on why this issue should not be partisan, and why it is important to move forward with criminal justice reforms that are both effective and constitutionally sound?

Colton Fehr: I do think that this is the most common proposal to the problem of minimum sentences, and I agree with those comments made earlier by the Conservatives and then by the Liberals here in proposing the exemption found in clause 63. I think that the exemption standard in clause 63 is probably more prudent, because it speaks directly to the standard used in constitutional law in Canada. Language such as “exceptional circumstances” is a different term. In fact, we've seen that used in many states in Australia and other jurisdictions. It would create a lot of confusion out of the gate to use a standard like “exceptional circumstances”.

Using the language proposed is quite clear to courts. There's a rich body of jurisprudence, even though it can be quite difficult to apply this gross disproportionality exemption. At least there's a rich body of jurisprudence. I think the proposed standard is quite prudent.

Patricia Lattanzio: The next question is for Dr. Roebuck.

The bill would require the courts to consider remedies other than the stay of proceedings for breaches of section 11(b) following the Jordan case.

You spoke about it very briefly in your opening remarks. Do you believe that this strikes the right balance between protecting the rights of victims and of the accused, and ensuring victims are not denied justice due to delays? Are there risks or improvements you would highlight?

• (1130)

Benjamin Roebuck: It's part of the picture. In our systemic investigation, we published a specific chapter looking at how Jordan is operating across the justice system. Providing notice to victims is a really critical piece that's included in the bill.

We saw in 2022-23 that sexual assaults were the most likely criminal offence to be stayed under R. v. Jordan. It was just the tip of the iceberg, because many cases were withdrawn pre-emptively when they weren't likely to be resolved before passing the threshold. Considering alternatives to stays is critical. Some of the other measures that are included in the bill are responsive to our recommendations.

The Vice-Chair (Larry Brock): Thank you, Ms. Lattanzio.

[Translation]

Mr. Fortin, you have the floor for six minutes.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I would like to welcome all the witnesses and thank them for being here.

Mr. Fehr, I'd like to ask you a question about femicide. Are you proposing a definition of femicide? Is there one that you feel to be the most appropriate?

[English]

Colton Fehr: What I have proposed is to consider a complementary exemption standard if Parliament is not willing to extend the exemption to homicides. I'm proposing that Parliament consider a circumstance where a battered woman is faced with a claim that she committed a homicide and did not do so in self-defence. This can create all kinds of difficult choices for that accused person, because they have to roll the dice as to whether or not they will succeed on their claim of self-defence.

[Translation]

Rhéal Éloi Fortin: Professor Fehr, my question was more about the problem of defining femicide. I'll give you four scenarios.

First, there is a woman who is accidentally killed during a bank robbery because she is in the wrong place at the wrong time.

Then there is the case of a woman who is killed by someone who wants to benefit from her life insurance, which is a significant amount. It's a murder committed for financial gain.

Then there is a woman who is killed out of hate by a jealous spouse, for example, who thinks she cheated on him. It's emotional violence motivated.

Finally, there is the case of a woman who is killed solely because she is a woman. An example is what happened at the Polytechnique several years ago, when someone killed women simply because they were women. He didn't know them. He didn't have any particular hatred or grievance against any of them, but he killed them because they were women.

I think it's important to distinguish between these four situations. When we use the word "femicide", should we apply it to all these examples, or should we limit its use to only some of them?

[English]

Colton Fehr: I didn't make any comments on femicide per se. I am here to speak about the exemptions to the—

[Translation]

Rhéal Éloi Fortin: I know you didn't make any comments, Professor Fehr. I was wondering whether you had an opinion, and I see that you don't. I'm going to stop here because I don't want to waste your time. Thank you.

Mr. Roebuck, do you have an opinion on the definition of femicide? Should it be applied to all murders of women or should it be limited to specific situations?

[English]

Benjamin Roebuck: The contexts of gender-based oppression that frame many of the homicides are broad. Women and girls are more likely to be murdered for reasons that intersect with that gender identity than men are to be murdered in different circumstances. Right now, the definition that's being provided in the law is limited only to intimate partners when we know that there are other gender-based motivated reasons that could be captured.

• (1135)

[Translation]

Rhéal Éloi Fortin: You mentioned the words "intimate partners". Let's say I was in a relationship with a woman who had a million-dollar life insurance policy and I had financial problems. If she was my intimate partner and I murdered her to benefit from her life insurance, would that be femicide or murder?

If it had been a man, it would have been the same thing. Am I mistaken or are there distinctions to be made?

[English]

Benjamin Roebuck: The department has to consider carefully how it's being defined. There's not a definition in the code. There are criteria for when it would be an offence, because there's a heading on femicide, but there's not a definition of femicide explicitly in the code.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Roebuck.

I'm going to ask you another question on the same topic, but with regard to trans people. In your opinion, if a man transitions to be a woman and also meets the other criteria, should the act be considered a femicide, or would that person be excluded from the definition of femicide because they were born male?

[English]

Benjamin Roebuck: I think the way that the measures operate—and you'd need to clarify with the department—is that they're focused on homicide that has a hate or bias motive. That could be gender, or it could be a trans identity. I think that certainly should be captured in how those provisions work.

[Translation]

Rhéal Éloi Fortin: I will now address the issue of reasonable time frames.

You saw that Bill C-16 proposes measures to counter the adverse effects of delays that the Supreme Court has determined to be unreasonable under the charter. In your opinion, is Bill C-16 a good way to approach that or should we look at something else?

[English]

The Vice-Chair (Larry Brock): Mr. Roebuck, could you be brief, please?

Benjamin Roebuck: I believe it's a good approach, and many of the provisions respond to recommendations from our report.

[Translation]

The Vice-Chair (Larry Brock): Thank you, Mr. Fortin.

[English]

That completes our first round. We're moving to the second, starting off with Ms. Kronis.

You have five minutes.

Tamara Kronis (Nanaimo—Ladysmith, CPC): Thank you so much, Mr. Chair.

Ms. Blinco, I want to thank you for coming here to talk about this very important issue of coercive control as it relates to seniors.

As you've alluded to in your opening statement, coercive control with seniors is sometimes harder to recognize because independence is something that vanishes slowly under manipulation, pressure or emotional influence, sometimes in a subtle way that often even feels like help. It's a particularly difficult form of elder abuse to recognize.

I was wondering whether you might elaborate on some of the more common ways that coercive control shows up in the lives of seniors, especially when it comes to financial scams, exploitations or other criminal measures.

Joanne Blinco: When we're dealing with older adults, what comes forward is that the son, who, in our statistics, is between the ages of 45 and 49, is the most prevalent in terms of the person who is causing harm. What we're seeing in those circumstances is that they come forward to help. They come forward under the umbrella of providing support. What ends up happening is that they end up controlling their money, often by banks. Police officers cannot lay charge even when we get involved as case managers. When you're seeing those elements, it's really hard to read, because you have someone who is trying to step forward to help. It doesn't come through that way when the older adult describes that. That comes through in their health, and that comes through the fear they have. Those are elements that are at play.

Does that answer your question?

Tamara Kronis: It does. Thank you for taking the time to explain it.

Could you also talk about whether there are warning signs that family members, friends and neighbours often miss until it's too late?

Joanne Blinco: There are. There is a decline in their health. Things that they typically had, for example, their hearing aids or their glasses, are not replaced. They look dishevelled. They're not attending community activities anymore or participating in the same way. We see differences in their personalities. They might have been outgoing, and now they have become more reserved. There are signs that come forward but are often overlooked.

The difference, as well, with an older adult is that their circle of isolation is tighter. When you're dealing with child abuse, they attend school and other people have their eyes on them, but when you're dealing with situations of elder abuse, when they don't go to their church or the seniors centre anymore, those are really hard to identify.

• (1140)

Tamara Kronis: It sounds like the telltale sign, in this case, is that an adult is supposedly there to help them, yet they are still showing signs of not being helped.

Joanne Blinco: That's correct. That's what we see in the work.

When we're looking at circumstances where people are at risk, we see social isolation. They say that they're stepping forward to help, and that's not the circumstance. Often, we see mental health issues for the person causing harm. We see a sense of entitlement. We see addiction issues or a family history of abuse along the way. We see financial concerns for that person who has caused harm as well.

Tamara Kronis: From your perspective, is there a way that legislation could better support prevention and not just respond to the harms in the way that Bill C-16 is doing?

Joanne Blinco: Currently, if an older adult has been abused by a son, daughter or other family member, it often doesn't fit under the Criminal Code. However, if we could see this ahead with a definition of coercive control, that would allow us, as service providers across the province, to step in and report those incidents, and to talk about what is happening. It would give us the prevention piece that doesn't exist.

Tamara Kronis: Briefly, could you expand on the gaps that education and community outreach could help fill when it comes to coercive control as a particularly pernicious and dangerous form of elder abuse?

Joanne Blinco: We're finding that coercive control is, as you said, really hard to spot. If we provided education and training across the province and across the country, then we'd be able to find ways to get in for prevention. We don't have that avenue now.

The Vice-Chair (Larry Brock): Thank you, Ms. Kronis.

Ms. Dhillon, you have five minutes.

Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair, and thank you to our witnesses for being here today.

Ms. Blinco, protecting elders is something I really take to heart. How would you define coercive control against an elderly person?

Joanne Blinco: When we look at the elements of abuse, we're looking at physical abuse [*Technical difficulty—Editor*] elements we see when our caseworkers support older adults in community. Coercive control is the underlying element that facilitates manipulation, intimidation and those things that are occurring. For example, they might say, "Hey, Mom, I'll run to the bank and get the money you need for groceries." Meanwhile, they take the card and go buy a new suit, or they run to the bank and take out \$100. Those are the pieces where we're seeing coercive control.

One of the biggest ones that come forward is when older adults don't have access to their grandchildren. Perhaps they're told that if they don't sign a power of attorney, they won't see their grandchildren anymore. That's how we see coercive control coming through.

Anju Dhillon: According to you, it's easier for these caretaking adult children to say that the parent has dementia or hasn't been feeling well. How often do you hear that?

Joanne Blinco: We often hear, "I'm really just here to help Mom. She must have misconstrued...." Even when a daughter takes their mom to the doctor, they'll say, "No, Mom. It's okay. I'll manage this situation." Coercive control fits in with how the majority of caseworkers define an element of elder abuse. When physical or emotional abuse occurs, those underlying issues come from how they maintain that coercive control, how that element of abuse continues between the family member and the older adult.

• (1145)

Anju Dhillon: Have you seen an increase in elder abuse and coercive control over the years? Has it become worse, or is it stable?

Joanne Blinco: I would say it's continuing to worsen. When I look at some of the economic factors affecting people's lives, there are elements of a sense of entitlement that are becoming much more prevalent. It's probably one of our second areas, this sense of entitlement where elder abuse is happening. We also have issues around addictions and mental health, which are also increasing, so those numbers of coercive control are becoming much more obvious, even though it's hard to spot where they fit.

Anju Dhillon: Do you ever make interventions at seniors' homes or long-term care homes?

Joanne Blinco: Yes. Here in Alberta, I guess we're in a unique position in having case managers across the province in rural, remote and indigenous communities. If I look across the province, we were able to identify some 900 cases in one year, and some of those occurred in seniors' homes and in lodges. We're allowed to go in and identify the factors at play, the elements of abuse and how we can support the older adult.

The bottom line is that we let the older adult determine where we're going to go. I think that's a key factor in supporting them in addressing the issue of abuse that is happening to them.

Anju Dhillon: Most often in these homes, the news comes out because of nanny cams or hidden devices that allow a family member to figure out that an elder is being subjected to abuse. Sometimes we see vicious beatings. A few weeks ago there was horrific news of an elderly person being sexually assaulted.

How do you deal with these situations?

Joanne Blinco: We find that the education we're presenting across the province is making a difference. Educating the public by talking about powers of attorney and what elder abuse is, bringing attention and light to the fact that it exists, such as when older adults are manipulated and intimidated, seems to be making the difference. Now more older adults themselves are coming forward to say, "This is not right, and this is not the way I choose to live."

The Vice-Chair (Larry Brock): That's your time.

[*Translation*]

Mr. Fortin, you have the floor for two and a half minutes.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Mr. Roebuck, Bill C-16 proposes a change to the wording of section 264(1) of the Criminal Code on harassment to adopt a slightly more objective view of the matter. The question is whether the victim really fears for their safety and whether a reasonable person would fear for theirs in the same circumstances. I'd like to hear what you have to say.

In your opinion, does Bill C-16 propose the right approach or should it be reviewed?

[*English*]

Benjamin Roebuck: I believe it's a positive approach. We don't need courts to be weighing in on myths and stereotypes in terms of how people respond to harassment. I think an objective standard is a safer one in not putting a trauma burden on survivors to justify why they're afraid.

[*Translation*]

Rhéal Éloi Fortin: Section 27(1) of Bill C-16 reformulates section 264(1) of the Criminal Code. Does the wording seem adequate to you?

[English]

Benjamin Roebuck: I'm sorry. I missed that.

[Translation]

Rhéal Éloi Fortin: I imagine you've read Bill C-16.

Benjamin Roebuck: Yes.

Rhéal Éloi Fortin: Section 27(1) proposes new wording for section 264(1) of the code. Does it sound right to you?

[English]

Benjamin Roebuck: When we look at the provision, we think it's well mapped out, so the wording is strong.

[Translation]

Rhéal Éloi Fortin: Okay.

Section 810.03 of the Criminal Code deals with a similar situation. In the case of peace bonds, shouldn't we review its definition so that it aligns with the new definition in section 264(1)?

• (1150)

[English]

Benjamin Roebuck: That's a great suggestion.

[Translation]

Rhéal Éloi Fortin: Could you repeat that?

[English]

Benjamin Roebuck: It's a good suggestion, and I think there should be alignment.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Roebuck.

I think my time is up, Mr. Chair.

The Vice-Chair (Larry Brock): You have 20 seconds left, Mr. Fortin.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Thank you, Mr. Roebuck, Mr. Fehr and Ms. Blinco.

The Vice-Chair (Larry Brock): Thank you, Mr. Fortin.

[English]

We now move on to Mr. Lawton for five minutes.

Andrew Lawton (Elgin—St. Thomas—London South, CPC): Thank you, Mr. Chair. You're doing a bang-up job, if I do say so myself.

One of my Liberal colleagues erroneously mentioned earlier that Conservatives are opposing Bill C-16, which is not the case. Conservatives did not oppose Bill C-16 at second reading. I can speak personally. I've had very favourable things to say about much of the bill and the objectives of the bill. I think the points of contention have been regarding making sure that it lives up to what it's supposed to do, in particular the sections to do with mandatory minimum penalties.

Dr. Fehr, I'd like to begin with you on this, because you were actually cited by both the majority and the dissent in Senneville, which I think speaks to the fact that you are quite respected in your

work, and there's something in it for everyone. You indicated in your testimony today that Bill C-16, as it relates to minimums, is the minimum that we could do.

I was hoping you could elaborate on that.

Colton Fehr: It's an excellent question.

Bill C-16 applies to minimum sentences of imprisonment, minus those where life imprisonment is the minimum. This is the minimal response, because there are cases I have mentioned that upheld some of those life sentences—the homicide cases in particular, Luxton and Latimer.

When you survey the jurisprudence on other types of minimum penalties—I'm thinking here about things like mandatory minimum fines—we see some of those in the Criminal Code. In a book that I have coming out on section 12 of the charter, it seems quite evident to me when I weave that jurisprudence together that those punishments are being upheld by the court. They're not cruel and unusual. The main contention turns on minimum sentences of imprisonment. When Bill C-16 says that an exemption may apply when the minimum sentence would apply to the offender before the court in a way that is cruel and unusual, meaning grossly disproportionate, then they may be exempted from that standard. In many other jurisdictions, if we go to South Africa, some states in the United States, England, and certainly Australia, there are a variety of standards. Some of these standards may be prudent in some circumstances, but as Canada—

Andrew Lawton: Thank you. I have to be mindful of my time, but I do appreciate that, Dr. Fehr.

Let me ask you about the safety valve approach. One thing we saw in the original trial judge decisions in Senneville and Naud was already a disregard for the mandatory minimums in place because of this finding of cruel and unusual punishment, which didn't even have to do with the reasonable hypotheticals that were brought in later. What is to stop judges who are inherently lenient from taking advantage of this safety valve to just circumvent mandatory minimums that Parliament has put in place?

Colton Fehr: That's another excellent question.

Whenever you apply any sort of standard-based rule, there's going to be some ironing out. What we will see, I suspect, is appellate courts doing precisely what they did in Senneville, where the Quebec Court of Appeal and the Supreme Court of Canada overwhelmingly said, no, sentencing judge, you are wrong as to whether the punishment is unconstitutional for Mr. Senneville.

There will be some ironing out. That's pretty common with any new law, but I have some faith that appellate courts will show the requisite amount of deference.

Andrew Lawton: I tend to be a fan of McIntyre's dissent in Smith from 1987, basically saying that reasonable hypotheticals shouldn't be brought in. The decisions should be made with the case at hand. I feel like that horse has left the barn in the last 40 years or so.

Let me ask you about the reasonable hypothetical in this case, because one of the challenges is that it's supposing that a charge would have even been laid in the most tolerable scenario imaginable under that.

Do you think that needs to be taken into account? Could there be a way to give judges direction on limiting these hypotheticals?

Colton Fehr: Again, that's an excellent question.

I proposed such a way. Four of nine judges agreed with me on trying to build in some middle ground, as the chief justice and Justice Côté called it.

I think the adversarial process has taken its course, and that idea was rejected by a majority of the court. As a result, the next most reasonable thing to do is precisely what Bill C-16 is proposing, which is to enact a safety valve and allow the courts to deal with this on a case-by-case basis, because now we don't need to think about the reasonably foreseeable scenario, except in the context of life imprisonment, where these exemptions don't apply.

• (1155)

The Vice-Chair (Larry Brock): Mr. Housefather, you have five minutes.

Anthony Housefather (Mount Royal, Lib.): Thank you very much, Mr. Vice-Chair. I will echo Mr. Lawton. I think you're doing an excellent job today.

I also thought Mr. Lawton's questions were very good. I don't necessarily agree with McIntyre's 1987 dissent, but I'm sympathetic, particularly in the light of Senneville.

By the way, Mr. Fehr, I have to congratulate you on being cited both by the majority and by the minority in Senneville, because that is a rare feat, even if you would have preferred that the minority's hypothesis had won the day.

Thank you also to both of the other witnesses.

I'm going to start with Ms. Blinco, please.

Ms. Blinco, obviously I, and probably many others, are very sympathetic to the idea of what you're proposing, which is that coercive control at some point also be extended to other vulnerable groups, particularly seniors. Certainly what you said was very true. I'm seeing it happen more and more often as well in our communities.

One thing that is happening with this bill, though, is we have included a two-year "coming into force" period to prepare the system. We need to fully assess the data, fully assess the impact and fully assess how it's functioning. Given that in the initial discussions about the bill, it was very much focused on one type of coercive control, which was relationship-based, would you support a system where, for example, the government, although maybe not including it in this bill, would include a review period and then would undertake consultations with respect to seniors, so we would get the input of a wide variety of stakeholders on how to best deal with this issue with respect to coercive control over seniors? I'm using perhaps the wrong words.

Joanne Blinco: Thank you.

If it's possible to get it right from the get-go, being able to look at gender-based violence, intimate partner violence, and relatives, that will give us a better headway to be able to make a difference in elder abuse. If we continue to wait, those situations of elder abuse—and some of them are horrific—are going to continue to occur, and there isn't a way to resolve that.

Our preference would be to do that right away before we have more situations occurring. That's just my opinion.

Anthony Housefather: Your opinion is very valid, and I'm not trying to in any way negate the importance of this issue. In my 10 years here in Parliament, I've watched how laws are crafted. Usually there's significant consultation that goes into crafting...certainly if it's a government bill, and even for private members' bills. I think what happened here, rightly or wrongly, is that the "coercive control" aspect focused on intimate partner relationships, one type of relationship, and didn't really consider this extended, very true situation. I'm sympathetic also to those who say we need to consult perhaps and set up a proper framework for it, but, again, I think your points were really well made.

I have just one last question. Do you believe the framework that is used here can just instantly apply, or should it be adapted by looking at the provisions in the bill related to coercive control, for example?

Joanne Blinco: I would hope they could get instantly adopted. When I look at the elements at play, and people who are dealing with situations of gender-based violence, older women are within those criteria. They are, in that way, able to support where gender-based violence exists. When I look at my stats, 55% are with a family member and 24% are intimate partner violence. It still exists. We don't have specific stats, but what we look at is all of the elements that have been at play. When we look at our coalition that has come together, there is information out there that does identify those things in older women.

• (1200)

Anthony Housefather: Thank you.

Dr. Roebuck, I just wanted to say one thing. One of my colleagues kept talking about how some of your recommendations were ignored. I think you clarified that a number of the things you proposed were in the bill; the fact that some others weren't doesn't mean they were actually ignored.

Bill C-16 proposes to expand victims' access to information and awareness of protection measures, as you mentioned. Does the ability reduce the burden on the victim to opt in? Is this a better framework than we had before?

Benjamin Roebuck: It's a great improvement. There are still areas that need to be improved in time, but it's much better.

Anthony Housefather: Thank you so much.

The Vice-Chair (Larry Brock): Thank you.

Dr. Fehr, I have one question. Actually, I have a couple of questions. What is the name of your upcoming book, and when will it be released?

Colton Fehr: Actually, I have two books that are generally on point, that are being released this summer, one in June and one in July. The first is called *Rethinking Homicide: The Constitutional Case for Reform*. The second is called *Cruel and Unusual: Section 12 of the Canadian Charter of Rights and Freedoms*.

The Vice-Chair (Larry Brock): Thank you.

We're going to suspend for a few minutes while we get ready for the second panel.

• (1201) _____ (Pause) _____

• (1205)

The Vice-Chair (Larry Brock): The meeting is back on.

[Translation]

For the second hour of the meeting, we have with us Nancy Boucher, a registered practical nurse.

[English]

We have Mr. Rizwan Khan, legal researcher and analyst from the National Institute on Ageing, and from Valora Place, we have Liz Brown.

You each have five minutes to provide your opening statement. That will be followed by questions from the members.

Madame Boucher, you may go ahead.

[Translation]

Nancy Boucher (Registered Practical Nurse, As an Individual): Thank you.

My name is Nancy Boucher. I stand here today not only as a citizen, but as a survivor, a woman who knows in her flesh and in her memory what domestic violence is. It doesn't just leave bruises. It robs. It steals dignity, it smothers trust, it shatters peace and, too often, it kills.

My voice speaks for the absent and the ones who can still be saved. We're here as part of Bill C-16, but it's not just another document to me. It is a dividing line between what we have tolerated for too long and what we now refuse to accept, a clear line that says, "This far and no further."

Reconsidering minimum sentences is an essential step because it starts there. It's what the system says. It's the message it sends about what is unacceptable and what, unfortunately, still seems to be tolerated.

When a sentence no longer reflects the seriousness of the act or repeated acts, the message becomes dangerous. It reveals a system that abdicates its protective role, and without a firm response, the risk of reoffending grows. It takes root. It becomes predictable.

However, there is an essential question: What have years of clemency and lenient sentences led to?

That raises the question: Why, in so many cases, does impunity still seem to be the norm? A clear, firm and real penalty can disrupt a tendency. It can cause an awakening. It can break a cycle before it destroys a life.

Domestic violence is not abstract. There are scared children. There are broken families. Sometimes there are coffins that come too soon. What we are choosing today is whether these children will have a future or just a memory.

When there is no remorse and no change, no one can be complacent. The system's response must be firm, constant and unequivocal. The Criminal Code already has mechanisms for dangerous and long-term offenders. They must be fully used, especially in cases of repeated intimate partner violence, because at that point, it's no longer an accident. It's a known, repeated pattern. However, a repeated choice requires accountability.

Every day we delay is one day too many. Meanwhile, women hesitate and remain silent for fear of not being believed and protected, and silence becomes dangerous. They are asked to be perfect, beyond reproach, to remember everything, to remain consistent despite the trauma, to speak precisely when they have survived in fear, as if the trauma did not exist, as if survival were linear. The question is this: Is the justice system beyond reproach?

I'm here to stop silence from being the answer. Domestic violence is not an isolated incident. It's a process, a grip, a control, a fear that slowly sets in until it becomes an invisible prison.

Femicide is not a starting point. It is an end point, the ultimate step in an escalation of violence. Femicide must be recognized and treated with the utmost seriousness, as first-degree murder, because it is not an unavoidable crime. It is a crime that we can prevent, combat and reduce to the point of eradication. It is not a private tragedy. It is a collective failure that is preventable. We know the mechanisms. We know the signs.

• (1210)

Bill C-16 is an opportunity to send a clear message that domestic violence in all its forms has no place in our society and that it will never again be minimized, excused or tolerated.

The Vice-Chair (Larry Brock): Thank you, Ms. Boucher.

[English]

You may have some more time, depending on the questions presented to you, but that is your five minutes.

Mr. Khan, you have up to five minutes for your opening statement.

Rizwan Khan (Legal Researcher and Analyst, National Institute on Ageing): Thank you, Mr. Chair and members of the committee, for this opportunity to testify before you.

I am a lawyer at the National Institute on Ageing, the NIA, a research and policy institute housed at Toronto Metropolitan University.

For the past 10 years, we have worked to build a Canada where older adults feel valued, included, supported and better prepared to age with confidence.

We appreciate the government's effort under Bill C-16 to criminalize coercive control. Coercive control captures a pattern of gradual but escalating abuse that may involve intimidation, isolation, financial exploitation and interference with a person's autonomy. It is precisely this kind of abuse that too often goes unrecognized when the law focuses only on discrete incidents rather than cumulative patterns of harm. Recognizing coercive control is especially important in addressing violence against women, as it is a known precursor to intimate partner homicide.

Our central message today is simple. The proposed coercive control provisions under Bill C-16 are too narrow, leaving many older adults behind, particularly older women. This risks creating a two-tiered system of justice.

The coercive control offence under Bill C-16 is currently limited to intimate partner relationships. That may capture an important part of violence against women, but it does not capture the full reality of abuse experienced by older women. Many older women are not being coercively controlled by a spouse or partner. They are being controlled by sons, other relatives and, in some cases, informal caregivers, yet if the same pattern of abuse is carried out by a son rather than a spouse, the proposed offence would not apply.

This means that justice would depend on how a relationship is labelled, rather than the nature of the harm itself. This gap matters, because if Bill C-16 is meant to respond to gender-based patterns of coercive control, then it should not exclude a whole segment of women simply because the abuse occurs in the context of another family relationship.

Data also makes this gap harder to ignore. As our submission noted, Statistics Canada shows that 36% of older adult victims of family violence were victimized by their child, while 28% were victimized by a spouse. When siblings and extended family are included, non-intimate partner abuse accounts for the majority of cases involving older adults.

The question is this: Should a proposed offence designed to protect women from a pattern of escalating abuse exclude older women who are subjected to a comparable abuse by family members other than intimate partners? In our respectful submission, the answer is no.

The caregiving context is also important. Most caregivers provide compassionate and appropriate support, but not every caregiving relationship is free from harm. Where one person depends on another for daily living, there is an obvious power imbalance. In some cases, that imbalance can be exploited in ways that are functionally indistinguishable from coercive control by an intimate partner. That is why leaving caregivers outside the scope of the offence creates an additional and significant gap.

International experience also supports a broader approach. As noted in our submission, England and Wales recognize coercive control where parties are personally connected, and Queensland, in Australia, expressly extends protection to include wider family members as well as informal caregivers.

Other jurisdictions, such as New South Wales and Ireland, which started with a narrower model for coercive control, are now reconsidering their approach. Rather than adopting an underinclusive framework now and revisiting the issue later, Canada can get this right from the outset.

Amending Bill C-16 to include relatives and informal caregivers would not weaken the offence. It would ensure that the offence is faithful to the legislative intent behind its creation and ensure that older women are not carved out of a response aimed at protecting women from a pattern of sustained control and abuse.

For that reason, the NIA recommends that Bill C-16 be amended so that the coercive control offence applies not only to current or former intimate partners but also to relatives and informal caregivers. Without this amendment, many older women facing serious abuse through coercive control will remain outside the law's protection, simply because of the label attached to the relationship.

Thank you once again for considering my testimony.

• (1215)

The Vice-Chair (Larry Brock): Thank you, Mr. Khan.

Ms. Brown, you have up to five minutes.

Liz Brown (Executive Director, Valora Place): Good morning, and thank you for the invitation to join you today. Thank you also for your work. It's deeply heartening that the federal government has focused on gender-based violence.

There's evident care and clearly a lot of positive intent behind the almost two pounds' worth of paper that has come from Bill C-16. There's a lot of heart that has brought it to this stage and put the issue of gender-based violence front and centre. That is really important.

Six years ago today, the reverberating horror of mass casualty was felt across Canada. In 13 hours, from April 18 to 19, one man in 2020 continued his long-standing pattern of coercive control with a physical assault against his intimate partner and then proceeded to end the lives of 22 people. A mass casualty commission was created. Its final report is both powerful and sobering. It has a clarion call to action that includes recommendations that are highly relevant to consider in review of the proposed changes included in Bill C-16.

We know that gender-based violence occurs in the context of relationships. It is with someone that we know and love and sometimes loved, in the past tense. It is intentional. It's not a single act; it's rather a pattern of behaviours and actions that are designed to reduce our sense of safety, well-being and self-efficacy. It increases fear. It increases vigilance, and it is the heart of abuse. It includes social isolation from family, friends and colleagues, financial abuse, psychological abuse, monitoring and not giving us our basic human rights in terms of when we go to the bathroom, when we sleep or when we are able to contact our friends.

It threatens our animals, our pets and the people who have meaning to us, along with threats by the perpetrator to self-harm or to end their own lives by suicide. It does include criminal harassment, it does include physical assault, and it does include sexual assault. It upends our sense of self. It is so insidious that we can begin to question our very own sanity and live in a constant state of vigilance and fear. It isolates and erodes our autonomy.

Coercive control is largely invisible at first glance. We can't see it on a person. It's a pattern of actions that are knitted together in a web so tight that it is often outside of both public and community view. It's done by usual people. Folks we couldn't profile are considered reasonably likely to cause harm. It is widespread in homes across postal codes, rural routes, town streets and city intersections.

Bill C-16 is presented to address these concerns. It is well intended, but there are some significant concerns to consider as to what will happen when we criminalize coercive control. Criminalization has significantly greater and disproportionate effects on marginalized communities, including indigenous people, racialized people and people living in fiscal poverty. This impact is gendered. It's experienced with greater severity and frequency by indigenous women, racialized women, trans women, disabled women and women living in fiscal poverty.

The unintended consequence of Bill C-16 is also that it will increase the likelihood of women who've experienced harm being criminalized too. This happened when, back in the 1980s, we implemented mandatory charging, and more women were charged with forms of harm and control against their partner. More women were also criminalized.

In our country, we have more indigenous women in federal incarceration. Over 50% are indigenous women, way more than the 5% of indigenous women on Turtle Island.

We encourage the federal government to implement recommendation V.8 of the Mass Casualty Commission, to look at the development of a common framework for understanding women-centric risk assessments that really understand the unique challenges that people who identify as women face.

We recommend that there be no changes to the current criminal harassment legislation, no removal of subjective fear requirements and a change to the objective fear requirement.

We do support inclusion of increased support for survivors and witnesses in proceedings, increased emphasis on and meaning of the appropriate use of restorative justice processes to heal, and the expansion of intimate image definition to include deepfakes.

We assert that police, Crowns and judges require new and specific mandatory training to address what constitutes coercive control.

• (1220)

We'd recommend a public education campaign before implementation and throughout to encourage understanding of this pattern of intimate partner violence.

It's really important to heed the call from the Mass Casualty Commission, which is to pay attention to the epidemic of violence against women and intimate partner harm, with epidemic-level funding for gender-based violence prevention and intervention.

The Vice-Chair (Larry Brock): That's your time. You may have an opportunity to complete your opening statement during the questions.

To start our first round, Mr. Lawton, you have six minutes.

Andrew Lawton: Thank you, witnesses.

Thank you, in particular, Ms. Brown. You and Valora Place do tremendous work back home in our riding. I'm glad you are able to be here today.

One aspect that we haven't yet heard any testimony on is one that I know you know all too well, given that Valora Place serves women in St. Thomas and Elgin. It is the unique character of rural communities as it relates to intimate partner violence. I was wondering if you could speak to how that deserves very specific consideration in the context of our broader discussion on intimate partner violence.

Liz Brown: Coercive control in any setting is very challenging. Rural communities.... Where I work and live, I have a lack of cell-phone reception at multiple times throughout my day. There is profound isolation. There is not public transportation. There is not a neighbour who hears your calls for help. There is not a person who observes that you haven't left the house. There isn't another person who sees that your partner has harmed your livestock—your animals, which make the foundation of your farm and your community life.

It is very difficult to be seen in rural communities. It is very difficult to have timely access to services, to be heard, and to be supported and helped. It's a real issue.

Andrew Lawton: Rural cellular coverage goes far beyond what we're able to do in this bill and on this committee.

Liz Brown: Absolutely.

Andrew Lawton: When you point that out, I think it speaks to the fact that in some of these relationships, someone may have only a very narrow window of time or opportunity to seek help.

What are better ways that we, through legislation or even through other things we're working on as a Parliament, could try to account for that problem and try to better reach women in these communities who might have an extra challenge or hurdle in getting help?

Liz Brown: I go back to the Mass Casualty Commission and also to what we've known in our own hearts from women who have experienced harm and harm we've experienced ourselves. The public education happens in communities, so it happens by being able to gather together. It happens by being able to talk about what has happened in our lives and being able to discuss the reality of harm in confidential and private ways.

To be able to do that, you have to know who you can call. You have to be able to access that location or multiple locations, and you have to know that what happened to you isn't because you're crazy. You may feel crazy as a result of the harm, but you're not, and you need to be believed from the point of the very first person who hears you.

Andrew Lawton: I know you worked a great deal with my predecessor, Karen Vecchio, who did phenomenal work as an MP on this, including at the status of women committee. One challenge you've spoken up about in the past is the need for better harmonization between levels of government. The law, federally, is what we can deal with here. Beyond that, I know you've identified, as a service provider, challenges in the way that you have to deal with federal—where we are—municipal, county and provincial. A lot of the time, not all of these levels are rowing in the same direction.

Liz Brown: Yes, and I don't anticipate rowing in the same direction, to be honest. I anticipate that there will be differences of opinion, that there will be challenges, and that there also will be the possibility of seeing it differently at the municipal, provincial and national levels.

I think the national level sets the tone. If femicide is included in the legislation—I will admit I couldn't find the actual word, and I did look for it a lot—it names the reality of the gender-based fact of harm against women. This sends an important message to our municipal and provincial partners about how fundamentally essential it is to recognize and be really clear about the importance of addressing it.

I think there is lots of opportunity across politics and across political parties, because everyone holds a heart and a desire to show up to make this corner of the world better. I really believe there's an opportunity for non-partisan participation. We exist as a result of work by NDP, Liberal and Conservative governments that have made it possible to support thousands of women each and every single year. I think it creates more possibility than challenge.

• (1225)

Andrew Lawton: You've touched on what has become a frequent discussion point in our committee deliberations, which is how we view femicide. Femicide isn't defined in the legislation. It is mentioned in a heading of a section, but when we look at what we're actually describing it as, it includes hate-motivated offences

against women or people with other identifiable characteristics. It also includes an intimate partner scenario in which it could theoretically be a woman victim.

What would you like to see, if you were amending the bill, as to how we navigate or engage with the term “femicide”?

Liz Brown: For sure, clarity is important. Having the definition right in the bill is important. This is about women being killed as a result of being women, so be very clear about what that means. It can be quite distilled. There have been a number of presentations to the committee by a number of legal groups—the National Association of Women and the Law, and the Women's Legal Education and Action Fund. They've been very clear about wording that can be used to encapsulate this.

When it's that clear, it names the gendered reality of harm. It makes it abundantly clear for federal, provincial and municipal governments.

Andrew Lawton: In that context, someone could be victimized by intimate partner violence regardless of whether they are a woman or a man, though we know women are disproportionately victims.

Liz Brown: That's correct.

Andrew Lawton: Do you think that distinction is necessary?

Liz Brown: Yes, I do, because femicide is different from murder generally, in that there are more women being murdered in intimate relationships than people who identify as male. That's statistically founded in what the federal government has shared through Stats Canada, repeatedly.

The risk of being murdered and the fear are so different when one is a woman.

Andrew Lawton: Thank you.

The Vice-Chair (Larry Brock): Thank you, Mr. Lawton.

[Translation]

Ms. Lattanzio, you have the floor for six minutes.

Patricia Lattanzio: Thank you, Mr. Chair.

[English]

I'd like to thank everyone for being present today and for participating in this very important study of Bill C-16.

[Translation]

Ms. Boucher, thank you for taking the time to appear in person before the committee to share your proposals on this new bill. I want to say that I agree with you when you say that silence will no longer be the answer, and I thank you very much for that. I would just add that it won't be the solution either.

Over the past four months, from January to April, there have already been 10 femicides in Quebec.

Bill C-16 proposes to explicitly include femicide in the Criminal Code. Do you support this measure?

Could you explain to us the impact that including this in the Criminal Code will have on survivors and victims' families, when they know exactly and clearly, once and for all, that femicide will be included in the Criminal Code?

Nancy Boucher: In fact, I would even say that including femicide in the Criminal Code is essential, because domestic violence committed by men who have been tried has been minimized for too long. It's been clear for too long that the system can be gamed. Unfortunately, these men are very manipulative. They understand how the system works.

Now, it needs to be really clear that Bill C-16 will usher in a new era where women feel safe, protected, believed and supported in all of this. Violent men must be shown that femicide is no longer acceptable and that they will now face consequences that reflect their actions.

Therefore, including femicide in the code is really essential, because we're already up to 10 femicides this year. In fact, we've nearly surpassed the number recorded last year, in 2025. There's something wrong with the justice system when domestic violence and femicide are still all too common in the news these days.

It is high time to show that femicide is no longer acceptable. We must no longer allow these men to treat the justice system as a revolving door. There have to be consequences for their actions. For a prolific offender, femicide is the result of escalation. As I said earlier, domestic violence doesn't start with murder, but with things like coercive violence. Therefore, it is very important that this also be indicated in Bill C-16. That will enable officers to intervene and prevent femicide, which is the result of an escalation of domestic violence. We have to clearly show that this is no longer acceptable.

• (1230)

Patricia Lattanzio: Thank you, Ms. Boucher.

[English]

My next question is for you, Ms. Brown.

You spoke about deepfakes very briefly in your opening remarks. We are increasingly seeing technology being used to create sexually explicit deepfakes without consent.

Would you agree that updating the law to capture this form of abuse is necessary to keep pace with how perpetrators are targeting women today?

Liz Brown: Yes.

Patricia Lattanzio: Yes. Okay.

Liz Brown: That was my shortest answer of the day.

Patricia Lattanzio: That's okay.

The bill also criminalizes threats to distribute intimate images, including deepfakes, and increases penalties. In your experience, how commonly are these kinds of threats used as tools of coercion

and control in abusive relationships, and how important is it to address them explicitly in the Criminal Code?

Liz Brown: Yes, they're used often, but as for being known to police, no.

Most of the harm.... In fact, I was thinking about it this morning. Of all the women we walk beside every single year, less than 5% ever speak to a police officer about the harm they've experienced or ever speak about a deepfake image that has been created.

Their view of and faith in the justice system are at low, low levels for many reasons, not the least of which are their concerns that they won't be believed, the shame they feel for what has happened to them, and a real resistance to having their decisions interrogated and questioned. I think this has caused low reporting of many different crimes that have occurred, including the distribution of deep fakes and the distribution of nude pictures and pictures of sexual acts that hasn't been consented to.

Patricia Lattanzio: What measures can be taken to have more women come forward?

Liz Brown: We need new and accountable training for police, Crowns and judges. It's really important that we know how to respond when someone comes forward and tells us the harm they've experienced.

I may come with a smile on my face. I may come speaking as if I'm talking about a grocery list, yet I'm talking about the most profound violation of my mind, body and spirit. We have to be ready to accept that the congruence may not be there. We have to see patterns, not single incidents of harm. We have to be curious and ask, "Okay, so he hit you. What happened the day before? What happened the week before? What happened the month before? Have you ever felt unsafe with him? Have you ever wondered about his sharing information about you? Has he ever shared photographs you weren't comfortable with?"

We have to see it as a pattern, not a single act. We have to realize that it is so pervasive and not profiled and not obvious. We have to realize that it is insidious, so we have to train people and be prepared.

The Vice-Chair (Larry Brock): Thank you, Ms. Brown.

[Translation]

Mr. Fortin, you have the floor for six minutes.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I'd like to thank Ms. Boucher and Ms. Brown for being with us, as well as Mr. Khan, who is online.

Ms. Boucher, we've already spoken a few times about what happened to you. I can only reiterate my compassion and the sadness we feel when we hear things like that.

I want to remain objective and effective. I gather from your testimony that it's important to believe a woman who files a complaint. The same thing goes for Ms. Brown, who also said that women need to be believed. I would like you to elaborate on that. Ms. Brown just did so, and it's enlightening.

This is often interpreted as being contrary to or at odds with the presumption of innocence. If a woman files a complaint for domestic violence, how will a police officer react? I liked what Ms. Brown said. It helps us better understand.

Does the importance of being believed imply that a trial is pointless? Is a woman filing a complaint an automatic conviction?

Ms. Brown said that it was important not only to take a woman seriously and believe her, but also to take the complaint seriously, to investigate it like any other type of complaint.

I would like to hear your opinion on that aspect of your testimony.

• (1235)

Nancy Boucher: The stigma associated with domestic violence makes it difficult for victims to file a complaint with police. It all depends on the police officer who's there. It really affects what we say. Depending on how the person looks at us, we may feel comfortable speaking up or we may feel judged and keep quiet.

As far as the process and the prosecution are concerned, we the victims are considered to be witnesses, first and foremost. They do what they want with the complaints. They add or remove charges as they see fit. Having gone through it numerous times, unfortunately, I can tell you we don't feel supported, listened to, or involved. When we ask prosecutors too many questions, they say that they don't represent us, that they represent society.

That doesn't exactly make someone want to file a complaint, knowing how they may be perceived and how their words may be interpreted. As we know, women who are victims of violence unfortunately go back to their abuser many times. They are judged heavily for that, so it's very hard to come forward.

Another issue is that events are consolidated into a single charge, instead of being dealt with separately, no matter how many times the perpetrator committed the act. In my case, even though I was hit numerous times, there was just a single assault charge. Why? If a person is hit three times, why are the events considered to be concurrent, not consecutive? There are a lot of questions, and we don't really have the answers, unfortunately.

Seeing that makes women not want to file a complaint, because they don't feel protected. It's often much more dangerous to report the abuser, because it puts us at greater risk. It can take weeks, months and even years for a woman to find the courage to file a complaint for the first time. Anyone who knows how the current justice system works isn't that inclined to file a complaint. That's why many women don't, unfortunately. They're putting themselves at greater risk, and what for? The system doesn't protect them anyways. There's a lot of discussion about Bill C-16, but there's a big problem at the system's core, as the other witness said, the prosecutors and judges.

They need training as well. Women are told to come forward, but they put their lives in danger when they do.

Rhéal Éloi Fortin: Thank you.

Ms. Brown, I have just a bit of time left, but is there anything you'd like to add to what Ms. Boucher just said or on the same issue?

[*English*]

Liz Brown: Your testimony is incredibly powerful. Your experience is the experience we've had over and over again. We need to have representation in the justice system for each of us as women, that is, a lawyer dedicated to women's experience in the justice system, a similar system to the one we have for family court support workers in Ontario and criminal court support workers across the country, who will walk with women through this experience.

Just six years ago, after the Mass Casualty Commission, one of the first people charged was the woman who survived the perpetrator's violence for years. She was charged. She was blamed. This is not an aberration. This is a consistent process of blaming each of us when we've experienced harm. The criminal justice system will continue to be inadequate, unresponsive and unaccountable to women until we address our own attitudes, beliefs and assumptions and our unwillingness to open our hearts to see the truth of what actually happens on the ugly side of who we are. We can be really harmful. We can be really awful. We can be very coercive, very controlling. We have to honour that this lives right here in this room. It lives in this country. It lives across every single postal code. Until we're honest about that, when each woman comes into the room to share their experience, they will be doubted. They will be questioned, and they will experience a moment of concern for their safety.

• (1240)

The Vice-Chair (Larry Brock): Thank you very much.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Ms. Brown.

[*English*]

The Vice-Chair (Larry Brock): Ms. Kronis is next, for five minutes.

[*Translation*]

Tamara Kronis: Ms. Boucher, thank you for sharing your story today.

[*English*]

I want to thank you. We often have academics and lawyers here, and it is incredibly helpful and generous of you to share with us your personal experiences of intimate partner violence. I'm hoping that I'll be able to ask you questions that will continue to draw out some of the points you're hoping to make.

I want to thank my colleague for reminding us that we are studying this bill in the context of 10 femicides having happened so far in Quebec this year, just in 2026.

In your opening remarks, you talked very powerfully about the idea that domestic violence isn't just an event but a process. I am hoping you can talk about the role played by the perpetrator's manipulation of people's emotions in the process.

[*Translation*]

Nancy Boucher: Thank you.

As I said, unfortunately, these men are extremely manipulative. Judgment from society also comes into play. I am a strong woman, but I was still sucked in. Domestic violence affects women of all ages from all walks of life. These men know how to win us over. They shower us with love early on and get us to fall in love with them quickly. They aren't stupid.

We know what we're experiencing isn't right. We know it's not right to stay and take it. I tried to leave dozens of times. We try, but they always suck us in. It's like they have two polar opposite personalities. They can be very nice but also very mean. While this is happening to us, there is a constant battle between our head and our heart. Our heart clings to the good times and the man we used to know. We hope we'll see the man we fell in love with again. Our head reminds us of the physical violence, the pain and the suffering. That's how they are able to control us. They placate us with gifts, nice dinners and rose petal-filled baths. They know how to make us feel like a queen. Unfortunately, the longer the relationship goes on—

[*English*]

Tamara Kronis: In your experience, does that manipulation extend into the criminal justice system? Do the partners come into the process and try to manipulate the courts? Do they try to tell stories about why their sentences should be reduced, why they're really the victim in this scenario and why we should not be so hard on them?

[*Translation*]

Nancy Boucher: With my ex, one thing was clear: I wasn't going to withdraw my complaints. I filed 13 complaints against him, and I never withdrew them. He didn't manipulate me to get me to drop the charges. I made it clear to him that he was going to have to face the consequences of hitting me.

I never withdrew a complaint. I applied to have a section 810 publication ban withdrawn, but I never withdrew a complaint. I didn't experience that kind of manipulation in relation to the criminal justice process, but I did experience many other types of manipulation. They manipulate us so much that we lose sight of our values. I even alienated one of my children because of him. However, I was never manipulated when it came to the criminal justice process, because I stood firm until the end. I even stood in front of him and testified.

• (1245)

[*English*]

Tamara Kronis: I'm glad you did that.

Do you think there should be mandatory minimums in the criminal justice system for the things that lead up to murder but are still intimate partner violence?

[*Translation*]

Nancy Boucher: Sorry, but I didn't hear that.

[*English*]

Tamara Kronis: Do you think there should be mandatory minimum sentences for the steps? You talked about the fact that we build up to murder, that murder is not a single event but a destination or the cumulative impact of this. I'm wondering whether or not you believe there should be mandatory minimum sentences for that.

[*Translation*]

Nancy Boucher: These men need to face harsher sentences from the beginning. That will send the message that what they are doing is unacceptable. It will deter them from committing increasingly violent acts, so they don't build up to something that can't be undone. They get too many slaps on the wrist now. A fine or probation isn't going to put any fear into them. It took 18 years before my ex was convicted.

[*English*]

The Vice-Chair (Larry Brock): Thank you, Ms. Boucher.

Ms. Dhillon, you have five minutes.

Anju Dhillon: Thank you so much, Mr. Chair. My questions will be for Mr. Khan.

Thank you so much for coming to testify today and for showing your appreciation for this bill.

I ran out of time in the last panel. I want to ask whether you have also been seeing that elderly men are being subjected to abuse and coercive control.

Rizwan Khan: At the National Institute on Ageing, we tend to look at data from other sources, such as some of the other witnesses here, when it comes to the actual prevalence of issues. Based on the data that we have found, the prevalence of coercive control is, in fact, directed towards women. It starts off with intimate partners when they're younger, and as they get older, it shifts. This is because of the dynamics whereby the dependency of older individuals shifts away from spouses more to their children and other loved ones, because of the dependence and trust and the need for them to help with their caregiving.

Based on what you've asked me, I will say that the answer is probably no, but that doesn't mean that it is not occurring.

Anju Dhillon: You mentioned, as did other panellists in the previous panel, that it's sons who are committing most of these abuses, not daughters. Is it more prevalent through sons? This has been repeated a few times.

Rizwan Khan: Based on the data that we have found, it's a bit difficult to just say that it is coercive control only. There are different elements to crimes that sons are committing. Some of them are due to mental illness.

The dynamics with older adults are.... Because of the love they have for their children, the child being the perpetrator makes it even more difficult for them to come forward to report, so while it could, in fact, be coercive control, it is not always coercive control.

When it comes to family violence, there seems to be an equal amount of abuse coming from extended families and children. When it comes to homicide, it's more prevalent among the sons, but when it comes to general abuse, it is the extended family that is perpetrating it. In fact, the last data I saw showed, I think, that it was almost equivalent, 35% and 35% daughters and sons, when it came to abuse and not just homicide.

Anju Dhillon: You're saying that usually this abuse is the result—if it's females, as well, doing it, daughters—of mental illness or substance abuse.

Rizwan Khan: No, I was saying that abuse isn't always due to coercive control. When it comes to the extreme form, it is not always coercive control, because coercive control tends to want to keep the victim alive—for want of a better word—because the reason they're doing it, essentially, is to extract economic benefits. That's a common element.

I want to touch just on why that may be the case. As you're getting older, you may have more assets. Your children and your relatives are looking to those as a means or a reason for coercively controlling you. The reasons change over time.

To say that violence is being perpetrated by only one gender when it comes to their children isn't quite accurate. With regard to the kinds of violence, yes, absolutely.

• (1250)

Anju Dhillon: Thank you for clarifying. I kept hearing “sons”, so thank you for touching on this subject.

We haven't considered elder abuse in such detail and in such a manner, especially now that it would be part of the Criminal Code. In your opinion, how can we best ensure that any potential extension of the coercive control offence to seniors is evidence-based, carefully designed, and informed by the data and experience we gather once the current framework has been implemented?

Rizwan Khan: Of course. The best way to do it is obviously community involvement—stakeholders and service providers—and looking at the experiences of international jurisdictions as well. Take in as much data and information as possible before taking a step forward.

Based on our analysis, we've noted that other jurisdictions have already undertaken this sort of consideration and have found that, when they started out with a narrower approach, specifically intimate partners alone, the prevalence of violence for older adults—because it was no longer just intimate partners and was extended out to other family members and caregivers—meant it was more appropriate to extend the definition of coercive control to include not just intimate partners. This was found in England and Wales.

Ireland is now currently making recommendations to make that change. Queensland started off at that stage.

The Vice-Chair (Larry Brock): Mr. Khan, thank you very much.

[*Translation*]

Mr. Fortin, you may go ahead for two and a half minutes.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Thank you again to the witnesses for being here.

Ms. Boucher, I'd like to ask you something quickly. You covered a lot. Your testimony is important, so I just want to make sure we are all clear on something.

What happened to your abuser? Did it end after he was sentenced?

Nancy Boucher: Right now, my ex is accused of murder.

Rhéal Éloi Fortin: Who is he accused of murdering?

Nancy Boucher: Gabie Renaud.

Rhéal Éloi Fortin: Who was that?

Nancy Boucher: She was a friend. She became a friend. She was someone who reached out to me for help, for support, because of this. Basically, we were friends in secret. I would help her and listen to her without judgment. I was familiar with this, I was familiar with the violence. Unfortunately, I woke up one day to find out she had been murdered.

Rhéal Éloi Fortin: I'm going to ask you a leading question. I'm not trying to rush you; it's just that I don't have a lot of time.

I'm very familiar with your case, but I want to make sure that my fellow parliamentarians are as well.

As I recall, Gabie Renaud was your abuser's new spouse. Is that correct?

Nancy Boucher: Yes.

Rhéal Éloi Fortin: He killed her. Actually, he's accused of killing her.

Thank you, Ms. Boucher.

Ms. Brown, you said you wanted the current wording of section 264 of the Criminal Code to remain intact. It uses a subjective test, as opposed to an objective one. Here's the difference. Under the new wording proposed in Bill C-16, it's sufficient for the woman to fear for her safety, but under the current wording, it's necessary to demonstrate that the fear is objective, that anyone else would have or may have been scared.

Do you really believe that we should keep the current test, that the subjectivity of the situation shouldn't be taken into account?

[English]

Liz Brown: No, and thank you for clarifying that with me. I think we need to take into account the subjectivity of the situation.

[Translation]

Rhéal Éloi Fortin: Thank you, Ms. Brown.

[English]

Liz Brown: Thank you.

[Translation]

Rhéal Éloi Fortin: That's what I thought, but I wanted to make sure I understood correctly.

I think my time is up.

[English]

Liz Brown: I'm really glad you asked me, though. Thank you.

The Vice-Chair (Larry Brock): Thank you, Monsieur Fortin.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Thank you to the witnesses for being with us today.

[English]

The Vice-Chair (Larry Brock): Mr. Gill, you have four minutes.

Amarjeet Gill: Thank you, Mr. Chair. Thanks to all of the witnesses for coming here to improve the bill. My question is for Ms. Brown.

The Peel Regional Police have declared domestic violence in my riding of Brampton West and the city an epidemic. They respond to 46 domestic violence calls per day. Are we at a point where the federal government should call domestic violence an epidemic?

• (1255)

Liz Brown: Yes.

Amarjeet Gill: Thank you. The Renfrew inquest called on the Government of Canada to explicitly recognize femicides. Do you think the Liberals got that right in this bill, or is there room to improve?

Liz Brown: I think there's always room to improve in every single bill, as I said in my presentation this morning and as pointed out by your colleague. I think the need for being serious about femicide has been eloquently described to you this morning by the colleague to my left. Nancy has made the cost really clear. The cost is women's lives.

The current legislation in the amendment talks about being controlling or coercive. It doesn't say coercive control. It is different. Coercive control is intentional and repeated, and it is what abuse is focused on. This needs to be in the legislation, as do the wording and definition of femicide. That's not because the Liberals are or aren't doing something about it, or because the Conservatives are or aren't doing something about it, or because the NDP are or aren't doing something about it. It's because there are over 200 pages of

words. Some will need to be revisited, and that would be one of them I would really recommend.

Amarjeet Gill: The Renfrew inquest similarly called for Parliament to make coercive control a stand-alone offence.

What concerns do you have about criminalizing victims, and what should be done about it?

Liz Brown: Thank you so much for asking that. I'm very afraid of that. I know from our experiences over the last number of years that mandatory charging has been in effect—there have been over 40 now—and that women have been arrested numerous times. Dual charges have happened numerous times.

This will happen with coercive control, and it will happen more often to my indigenous sisters. It will happen more often to people who don't look like me. It will happen to racialized communities. The federal government has said that the justice system is racist. It is a justice system that struggles with oppression and with recognizing that communities are overcriminalized. This will, of course, happen with coercive control, as it does with every other crime.

Amarjeet Gill: What is the effect on survivors when offenders are released on bail the same day they are arrested?

Liz Brown: That's very difficult. It's been a long-standing reality for a great deal of time. One of the hardest things is not knowing this fact. Sometimes a woman is not told that he has been released—which is extraordinary to me, as there's so much opportunity to communicate it.

Also, as I mentioned earlier, there are so few women we walk with—and we walk with over 2,500 women each and every year—who go to the criminal justice system. In the case of criminal harassment, there have been five women I've personally known in my work in the last 20 years who have had a charge of criminal harassment. Holding someone for bail is very difficult to do, but it is necessary for a moment of safety—for women to have a break for a 24-hour period in order to know...and to have options available to consider.

Amarjeet Gill: There was a femicide in broad daylight in Brampton last October, involving a perpetrator who was already prohibited from having a firearm. He was out on bail for a firearms offence involving the same victim.

What action needs to be taken to address the problem of illegal firearms in intimate partner violence?

The Vice-Chair (Larry Brock): Answer very quickly, Ms. Brown.

Liz Brown: That is a question I cannot answer very quickly. I'd be happy to forward my thoughts on that to the committee.

The Vice-Chair (Larry Brock): Thank you very much.

Mr. Housefather, go ahead for four minutes.

[Translation]

Anthony Housefather: Thank you, Mr. Chair.

Ms. Boucher, I want to echo what my colleagues have said. We are truly grateful to have someone who has been through this share their story with the committee. It is very appreciated.

[English]

Ms. Brown, I'm going to ask you a question that I really shouldn't have to ask. I'm sure you're going to have a very succinct answer, which you have been able to do for every other question you've been asked. I think that's fantastic.

I have a colleague who claimed that Bill C-16 and the new offence of coercive control could essentially criminalize everyday interactions in your home with your family. She basically went on to say that it “criminalizes a pattern of otherwise lawful and often common behaviour that may later be perceived as threatening by an intimate partner. That means ordinary family interactions could be re-interpreted as criminal after the fact.”

Could you let us know what you think about that claim? I think it is outlandish, but I'm happy to hear from you.

• (1300)

Liz Brown: Coercive control is about intimidation, constant belittling and dehumanizing behaviour such as controlling what we eat, when we go to the bathroom or whether we sleep. It's about threatening to harm us, threatening to harm the people we love and threatening to harm the animals we love. That's not frivolous.

Anthony Housefather: An example she gave was “asking a partner not to give children junk food”.

Would you say that this is likely something that would fall under this new article?

Liz Brown: I'm a little reluctant, since you referenced a particular person in the question. I'm a little reluctant about that piece. I don't know. I don't believe coercive control will be frivolous. It is anything but frivolous. It is not about whether the child eats junk food or not.

Do I believe a person causing harm could potentially bring that up as controlling behaviour his ex-partner is doing with his child? Yes.

Anthony Housefather: Thank you very much.

I want to go to you, Mr. Khan. Because you're not in the room, you sometimes get a bit left out. I want to ask you about Australia.

As far as I understand, coercive control in Australian criminal law is done by the states, not the national government. Queensland is the one you probably referenced. It has a more inclusive coercive control definition. New South Wales doesn't. I can't find any other states in Australia at this point that do.

Should we be looking at the Queensland model? You mentioned England and Wales. Do you have other countries you want us to look at?

Rizwan Khan: Yes, there's Ireland as well.

Ireland, Scotland, England, Wales and Australia, in Queensland and New South Wales, have all taken an approach to intimate partner violence in their own way, but three of them—specifically in England and Wales—expanded it a couple of years ago from having just an approach of intimate partners who are domiciled together to realizing that the violence can occur from people who are not, in fact, living with you. This is sort of indicative of the fact that coercive control can be prevalent in scenarios not perceived to involve just intimate partners.

Ireland has considered that approach. It was narrow there. The commission has recommended that an expansion include relatives and caregivers. As you noted, Queensland started off *ab initio* with an expansive approach, all because of stats, essentially. I just want to clarify that point. It was based on data—which we have in Canada as well—that allowed them to do this.

Anthony Housefather: Thank you so much.

Thank you, Mr. Chair.

[Translation]

The Vice-Chair (Larry Brock): Thank you everyone.

The meeting is adjourned.

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