



Submission to the Standing Committee on Justice and Human Rights Policy Brief: Bill C-16 (Protecting Victims Act) – Strengthening Canada’s Response to Coercive Control

Executive Summary

Sagesse strongly supports Bill C-16’s recognition of coercive or controlling conduct as a distinct harm within Canada’s criminal justice framework. To ensure the offence captures the patterned and cumulative nature of this abuse, we recommend: (1) impact-based elements and illustrative factors that reflect coercive control in relationships of dependence and trust; (2) explicit recognition of the trans-contextual reach of coercive control; and (3) three federal investments; validated Survivor-Impact tools, comprehensive training across justice and service providers, and public-facing education to modernize discourse on IPV, sexual exploitation, and related harms. These recommendations reflect international legislative lessons and survivor-informed research spanning psychology, law, and social practice (Biderman, 1957; Lifton, 1961; Stark, 2007; Hassan, 2018; Dubrow-Marshall & Dubrow-Marshall, 2023).

Given that Bill C-16 is presently at consideration in committee, the Committee now has a timely opportunity to refine statutory language and ensure effective implementation.

Context and Problem Definition

Coercive control consists of patterned tactics, isolation, surveillance, threats, degradation, financial deprivation, identity assault, and manipulation of rewards/punishments, that erode autonomy and induce compliance without necessarily relying on visible physical violence (Biderman, 1957; Lifton, 1961; Singer, 1995; Stark, 2007). Across domains, survivors experience C-PTSD/PTSD, dissociation, suicidality, impaired executive function, identity fragmentation, and somatic dysregulation (Herman, 1992/1997; Stein, 2021; Dubrow-Marshall & Dubrow-Marshall, 2023).

Critically, coercive control is trans-contextual: it appears in intimate relationships, sexual exploitation/trafficking, cultic or high-demand groups, gang involvement, workplaces, and even via institutional misuse (e.g., “paper abuse” or procedural stalking within legal systems) (Baldwin et al., 2015; Crossman & Hardesty, 2018; Duran et al., 2021; Dubrow-Marshall & Dubrow-Marshall, 2023). Survivors often traverse multiple contexts across the lifespan, with harms compounding over time (Hester & Stark, 2019; Tolmie, 2018).

Criminal law must adapt. Traditional incident-based offences miss the pattern-and-impact dynamics that define coercive control. Comparative models (e.g., UK Serious Crime Act 2015, s.76) criminalize patterns that cause a serious effect, such as substantial interference with



day-to-day activities or repeated fear of violence, with a “knew or ought to have known” mental element (UK Home Office guidance; Stark & Hester, 2019). Canada can adapt these strengths while ensuring cultural safety and Charter compliance.

How C-16 Advances the File and Where It Can Go Further

C-16 modernizes parts of the Criminal Code and victims’ rights, clarifies criminal harassment, and introduces a coercive control offence focused on patterns of conduct toward an intimate partner which are essential steps. Remaining challenges include:

- Narrow relationship scope may under-capture coercion in relationships of dependence and trust (e.g., ex-partners with ongoing parental ties, caregiving relationships, sexual exploitation, or dynamics involving immigration leverage or relational authority) (Dutton & Goodman, 2005; Hassan, 2018; Lalich, 2004).
- Proof burdens risk reverting to incident-counting unless pattern-and-impact elements and illustrative factors are explicit (Hamberger et al., 2017; Robinson & Myhill, 2021).
- Institutional misuse, especially in civil settings (procedural harassment, vexatious applications), is a persistent vector of harm without implementation guidance to flag and manage it (Miller & Smolter, 2011; Reeves et al., 2023).

Addressing Concerns About Equality Impacts and Over-Criminalization

The best available evidence from jurisdictions with coercive-control offences (England & Wales; Scotland) does not show widespread criminalization of minority victims. Equality-impact approaches and professional guidance, particularly in Scotland, have mitigated some risks, though structural barriers in the justice system persist and require practice-level solutions.

1. No evidence of widespread criminalization of minority victims.

Reviews of early prosecutions under s.76 (England & Wales) and the Domestic Abuse (Scotland) Act 2018 found no pattern of minority ethnic women being disproportionately criminalized; most convictions involve male perpetrators and female victims, in line with known gendered patterns (Barlow et al., 2020; McGorrery & McMahon, 2021). Fears that “vexatious counter-allegations” would routinely result in victim criminalization have not materialized at scale (Barlow et al., 2020; McGorrery & McMahon, 2021).

2. Equality impact and intersectionality in design.

Scotland undertook a formal Equality Impact Assessment when drafting its offence and framed the law within a rights-based approach attentive to marginalized groups (Scottish Government, 2017). Its model recognizes psychological harm and emphasizes intent, potentially reducing evidential barriers that disproportionately affect marginalized women when credibility is contested (Scottish Government, 2018; Walklate et al., 2018).

3. Persistent structural barriers are about practice, not statute.

Implementation challenges remain for migrant and minority women, including language barriers, cultural factors, and broader systemic bias in policing and courts. These issues



reflect justice-system inequalities, not the wording of the offence (ONS, 2020; Wangmann, 2020).

4. **Positive framing and guidance in Scotland.**

Scotland's model is frequently cited as best practice for embedding a gendered understanding of abuse and issuing strong professional guidance, which reduces over-reliance on victim credibility alone, a benefit for marginalized women (Barlow et al., 2020; Scottish Government, 2018).

The legislation itself has not been shown to further marginalize minority populations; Scotland's equality assessment and feminist-informed design aimed to prevent this. However, structural inequalities in the justice system persist. Canada should pair C-16 with training, culturally safe services, and evaluation to guard against disparate impacts (Barlow et al., 2020; Scottish Government, 2017, 2018; ONS, 2020; Walklate et al., 2018).

Recommendations

1) Legislative Wording: Relationships of Dependence and Trust

Amend the relationship qualifier so the offence applies where a relationship of dependence and trust exists or has recently existed, not solely cohabiting/intimate categories. This captures coercion where dependence (economic, caregiving, immigration, relational and organizational authority) and trust enable patterned domination (Dutton & Goodman, 2005; Hassan, 2018; Lalich, 2004).

Proposed clause (conceptual): "For the purposes of this section, 'personally connected' includes relationships of dependence and trust, whether or not the persons cohabit or are related by blood or marriage."

2) Pattern-and-Impact Elements (UK s.76-inspired)

Codify that the offence is made out where the pattern causes either (a) serious alarm or distress that substantially affects day-to-day activities (e.g., health, work/school, caregiving, social participation) or (b) reasonable fear of violence on 2+ occasions, with a "knew or ought to have known" mental element (Stark, 2007; Tolmie, 2018).

3) Illustrative (Non-exhaustive) Factors

Provide a list to guide police/Crown/bench and reduce over-reliance on physical markers: isolation, monitoring/surveillance, financial deprivation, threats to children/pets, immigration leverage, spiritual/religious coercion, reputational/digital abuse (including deepfakes), administrative harassment ("paper abuse"), coerced sexual activity, third-party enlistment (Biderman, 1957; Lifton, 1961; Singer, 1995; Dutton & Goodman, 2005; Baldwin et al., 2015).

4) Trans-context Recognition (Preamble/Interpretation)

Include an interpretive note acknowledging that coercive control is trans-contextual and may occur across the lifespan and multiple domains; IPV, sexual exploitation, cultic groups, gangs, workplaces, institutional processes, to improve evidence appreciation and cross-system coordination (Crossman & Hardesty, 2018; Duran et al., 2021; Dubrow-Marshall & Dubrow-Marshall, 2023).



5) Evidentiary Guidance

Encourage pattern chronologies, digital trails, collateral testimony, and expert evidence on trauma/coercion; explicitly allow impact evidence (functioning, health, attachment disruption). Avoid treating each incident in isolation (Hamberger et al., 2017; Robinson & Myhill, 2021).

6) Safeguards Against Institutional Misuse

Request federal-provincial policy to: (a) flag repetitive cross-applications, (b) case-manage vexatious litigants, and (c) consider aggravation at sentencing for procedural stalking/paper abuse (Miller & Smolter, 2011; Reeves et al., 2023).

Three Federal Investments to Make C-16 Effective and Operational

1. Validated Survivor-Impact Measurement Tools

Fund development and validation of a Survivor-Impact Framework and tools capturing identity, epistemic (meaning making) agency and narrative authority, somatic regulation, relational safety and attachment, autonomy, and system interaction across contexts (Lehmann et al., 2012; Dutton et al., 2005; Tolman, 1989/1999; Porrua-García et al., 2016; Hamberger et al., 2017).

2. Training for the Justice System and Service Providers

Resource a national curriculum (police, Crown, defence, bench, services providers, family bar, mediators) on pattern and impact recognition, trauma- and attachment-informed practice, cultural and spiritual safety, digital and reputation harms, and cross-jurisdictional coordination, using case studies across IPV, sexual exploitation, cultic groups, and institutional misuse (Stark, 2007; Stein, 2021; Dubrow-Marshall & Dubrow-Marshall, 2023).

3. Public Discourse and Education

Invest in national public-education campaigns and community partnerships to reframe IPV, sexual exploitation, and related harms through a coercive-control lens, normalizing help-seeking, improving third-party recognition, and reducing shame (Goldberg & Goldberg, 2017; Prozman et al., 2014).

Implementation & Evaluation

- **Interoperability:** harmonize with family-law processes to avoid conflicting orders; establish information-sharing protocols and trauma-informed case conferencing.
- **Indicators to consider:** proportion of files with pattern chronologies and impact statements; training completion and quality audits; survivor outcomes via validated measures; charge-to-disposition timelines; disaggregated equity monitoring.

Conclusion

Bill C-16 can move Canada beyond incident-based responses by criminalizing patterned, impact-bearing coercive control where dependence and trust are exploited to strip autonomy and safety. With precise statutory language, robust measurement, training, and public education, Parliament can meaningfully reduce harm and advance justice.



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References

Peer-reviewed journal articles, books, and scholarly chapters

Baldwin, S. B., Fehrenbacher, A. E., & Eisenman, D. P. (2015). Psychological coercion in human trafficking: Applying Biderman's framework. *Sexual Abuse, 27*(6), 609–628.

Barlow, C., Johnson, K., Walklate, S., & Humphreys, L. (2020). Putting coercive control into practice: Problems and possibilities. *British Journal of Criminology, 60*(1), 160–179.

Biderman, A. (1957). Communist coercive methods for eliciting individual compliance. *The Bulletin of the New York Academy of Medicine, 33*, 616–624.

Crossman, K. A., & Hardesty, J. L. (2018). Placing coercive control at the center: A grounded theory analysis of women's experiences of intimate partner violence. *Journal of Interpersonal Violence, 33*(9), 1551–1581.

Duran, L., Johnson, D., Hoje, J., & Postmus, J. (2021). Coercive control across victimization types: A typological and empirical synthesis. *Journal of Family Violence, 36*, 305–318.

Dutton, M. A., Goodman, L. A., & Schmidt, R. J. (2005). Coercion in intimate partner violence: Toward a new conceptualization. *Violence Against Women, 11*(6), 747–783.

Dubrow-Marshall, R., & Dubrow-Marshall, L. (2023). *Totalistic identity: Understanding and recovering from coercive control*. Routledge.

Goldberg, L., & Goldberg, W. (2017). Group recovery work with former cult members: The re-establishment of agency and self-efficacy. *Cultic Studies Review, 12*, 259–270.

Hamberger, L. K., Larsen, S. E., & Lehrner, A. (2017). Coercive control in intimate partner and family relationships: A review of the evidence. *Aggression and Violent Behavior, 37*, 1–13.

Hassan, S. (2018). *Combating cult mind control* (Updated ed.). Freedom of Mind Press

Herman, J. (1997). *Trauma and recovery*. Basic Books. (Original work published 1992)



- Hester, M., & Stark, E. (2019). Coercive control: Patterns and impacts on survivors. *Violence Against Women, 25*(11), 1335–1353.
- Lalich, J. (2004). *Bounded choice: True believers and charismatic cults*. University of California Press.
- Lehmann, P., Simmons, C. A., & Pillai, V. K. (2012). The Checklist of Controlling Behaviors: Development and psychometrics. *Violence Against Women, 18*(8), 913–933.
- Lifton, R. J. (1961). *Thought reform and the psychology of totalism: A study of “brainwashing” in China*. W. W. Norton.
- McGorrery, P., & McMahon, M. (2021). Prosecuting controlling or coercive behaviour in England and Wales: Media reports of a novel offence. *Criminology & Criminal Justice, 21*(4), 566–584.
- Porrúa-García, C., Canto, J. M., & Peña, E. (2016). The EAPA-P: A new scale for measuring psychological abuse in intimate partner violence. *Psychosocial Intervention, 25*(3), 175–181.
- Prosman, G. J., Lo Fo Wong, S., & Lagro-Janssen, A. L. M. (2014). Support needs of women exposed to intimate partner violence: The importance of partner violence severity. *European Journal of General Practice, 20*(4), 272–278.
- Robinson, A. L., & Myhill, A. (2021). Domestic abuse, coercive control and homicide: Understanding the role of coercive control. *Policing, 15*(1), 50–63.
- Singer, M. T. (1995). *Cults in our midst*. Jossey-Bass.
- Stark, E. (2007). *Coercive control: How men entrap women in personal life*. Oxford University Press.
- Stein, A. (2021). Attachment, indoctrination, and totalistic environments: Cultic dynamics and coercive control. *Journal of Humanistic Psychology, 61*(3), 366–389.
- Tolman, R. M. (1989). The development of a measure of psychological maltreatment of women. *Violence and Victims, 4*(3), 159–177.
- Tolman, R. M. (1999). The Psychological Maltreatment of Women Inventory (PMWI). *Psychology of Women Quarterly, 23*, 267–285.



Walklate, S., Fitz-Gibbon, K., & McCulloch, J. (2018). Is more law the answer? Seeking justice for victims of intimate partner violence through legal reform. *Criminology & Criminal Justice*, 18(1),

Wangmann, J. (2020). Coercive control as the context for intimate partner violence: The challenge for the legal system. In M. McMahon & P. McGorrery (Eds.), *Criminalising coercive control* (pp. 219–242).

Government & Official Sources

Bill C-16 (Protecting Victims Act) – LEGISinfo. (n.d.). Parliament of Canada.

<https://www.parl.ca/LegisInfo>

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Bill C-16 — Government summary and first reading text. (2025, December 9). Parliament of Canada Publications. <https://www.parl.ca/documentviewer/en/45-1/bill/c-16/first-reading>

OpenParliament. (2026). *Bill C-16: Overview and debates*. [https://openparliament.ca/bills/45-1/C-16/\[noscommunes.ca\]](https://openparliament.ca/bills/45-1/C-16/[noscommunes.ca])

Office for National Statistics. (2020). *Domestic abuse and the criminal justice system, England and Wales: November 2020*. <https://www.ons.gov.uk>

Scottish Government. (2017). *Equality Impact Assessment: Domestic Abuse (Scotland) Bill*. <https://www.gov.scot/publications/equality-impact-assessment-domestic-abuse-scotland-bill/>

Scottish Government. (2018). *Domestic Abuse (Scotland) Act 2018: Guidance for professionals*. <https://www.gov.scot/publications/domestic-abuse-scotland-act-2018-guidance>

UK Serious Crime Act 2015, s.76. (2015). UK Home Office. <https://www.legislation.gov.uk>