Government of Canada
Office of the Federal Ombudsperson for Victims of Crime

Gouvernement du Canada
Bureau de l'ombudsman fédéral des victimes d'actes criminels

Submission to the House of Commons Committee on Justice and Human Rights (JUST)

Study of Bill C-16: An Act to amend certain Acts in relation to criminal and correctional matters (child protection, gender-based violence, delays and other measures)

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April 22, 2026

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Office of the Federal Ombudsperson
for Victims of Crime

Canada

THE OFFICE OF THE FEDERAL OMBUDSPERSON FOR VICTIMS OF CRIME (OFOVC)

The Office of the Federal Ombudsperson for Victims of Crime (OFOVC) is an **independent** resource for victims and survivors in Canada. We operate at arm's length from the Department of Justice, and the Ombudsperson **reports directly** to the Minister of Justice as a Special Advisor.

- Victims and survivors contact our Office to learn more about their **rights** under federal laws, about federal services available to them, or to make a **complaint** about any federal agencies or legislation dealing with victims.
- Part of our mandate is to ensure that policymakers are aware of **systemic issues** that negatively affect victims and survivors of crime and that the Government understands its obligations under the *Canadian Charter of Rights and Freedoms* and the **quasi-constitutional** provisions of the ***Canadian Victims Bill of Rights*** (CVBR).

We hear directly from hundreds of victims and survivors each year, as well as from the organizations that support them. This submission builds on that casework and on two recent OFOVC publications:

- Rethinking Justice for Survivors of Sexual Violence (2025), a national systemic investigation grounded in the experiences of thousands of survivors, legal professionals, academics and service providers
- Fulfilling the Promises of the *Canadian Victims Bill of Rights* (2026), our ten-year progress report. It also reflects issues the Office has raised repeatedly with Parliament and government over many years.

EXECUTIVE SUMMARY

The Office of the Federal Ombudsperson for Victims of Crime (OFOVC) supports the objectives of Bill C-16 and considers it one of the most significant advancements in victims' rights since the *Canadian Victims Bill of Rights* (CVBR) came into force in 2015. The bill would enhance victims' information rights, expand practical information-sharing in the federal corrections system, address coercive control, acknowledge the harms caused by delays, and strengthen protections in sexual violence proceedings.

However, targeted amendments and strong implementation measures are still needed. Without them, some of the bill's new protections may be difficult for victims to access in practice or may leave important gaps for victims whose safety depends on timely, clear information as their case moves between police, courts, corrections and other institutions.

The OFOVC's recommendations to the Committee aim to strengthen Bill C-16 in the following areas:

- enforceability and complaint access under the CVBR
- the scope of federal institutions covered by CVBR information obligations
- victim rights to information about removal outcomes tied to the offence
- continuity and protection of victim information in corrections

- implementation and review of the new coercive control offence
- meaningful consideration of victim interests in the delay framework
- protection for complainants in new publication-ban offences

RECOMMENDATIONS

1. Address enforceability of the *Canadian Victims Bill of Rights*
2. Authorize direct complaints to the Federal Ombudsperson
3. Clarify the list of federal entities
4. Replace “readily available” to “readily accessible” (proposed s. 8.2 of the CVBR)
5. Amend the CVBR to provide victims with a right to information about removal orders arising from criminal offences
6. Issue CVBR compliance statements for new criminal justice legislation
7. Mandatory five-year parliamentary review of the CVBR
8. Recognize victim information in s. 25.1(1) of the CCRA
9. Ensure victim registry information follows federal-to-provincial transfers
10. Protect victim information in digital interfaces
11. Broaden relational coverage to capture elder abuse
12. Add a statutory review with disaggregated data
13. Mitigate risks of survivor misidentification and criminalization
14. Expand femicide offence to include family members
15. Victims must be notified of bail orders and safety-related conditions
16. Eliminate preliminary inquiries for complainants under 18 years
17. Strengthen protections for complainants and witnesses under 18 years
18. Single testimony rule for complainants and witnesses under 18 years
19. Expressly include defence conduct in proposed s.492.3 of the *Criminal Code*
20. Require a judicial inquiry about victim notification and input before a stay for delay
21. Add explicit non-prosecution protection for complainants
22. Provide guidance on the interpretation of therapeutic records
23. Explicitly include Sexual Assault Evidence Kits within “record”
24. Add judicial inquiry on the impact of adjournment
25. Clarify how protections interact with safety and accountability (alternative measures and warnings)

For detailed recommendations and proposed amendments, refer to the full brief.

POSITION

The Office welcomes Bill C-16’s overall direction. Many of the bill’s reforms respond to long-standing concerns raised by victims, survivors, and frontline organizations. This includes the move toward proactive information disclosure, stronger correctional notifications, greater recognition of victims’ interests in timely proceedings, criminalization of coercive control, and improved protections in sexual violence cases.

Some of the most significant strengths are:

- **Addressing *R v. Jordan*** – clarifies that courts can consider remedies other than stays and requires that victims be informed when delay remedies are sought
- **Testimonial aids** – makes testimonial aids presumptively available, gives survivors a choice of supports (such as a screen, closed-circuit television (CCTV), or a support person or animal), allows multiple supports to be used together, and requires judges to ask whether these supports were offered to the victim
- **Therapeutic records** – raises the threshold for accessing therapeutic records to an "innocence at stake" standard
- **Restorative justice** – adds a framework to the *Criminal Code*
- **Section 276 of the *Criminal Code*** – expanded to all sexual offences, including sex trafficking
- **Victim rights** – new rights to respect and timely justice added to the *Canadian Victims Bill of Rights* (CVBR); "on request" removed from right to information

The recommendations below are intended to strengthen implementation, close practical gaps, and ensure that new rights are meaningful in practice.

1. *Canadian Victims Bill of Rights* (CVBR)

The Office of the Federal Ombudsperson for Victims of Crime (OFOVC) is a leading Canadian authority on the CVBR. We have closely monitored its implementation since the law was established in 2015 and we have issued two progress reports with recommendations:

- 5-year CVBR progress report[1] (2020)
- 10-year CVBR progress report[2] (2026)

We recently launched a series of commissioned articles from legal experts on victim's rights under the CVBR and the *Canadian Charter of Rights and Freedoms*.[3] The first article, by UBC Law Professor **Benjamin Perrin**, provides a critical doctrinal analysis of the CVBR as quasi-constitutional law.[4]

Bill C-16 proposes meaningful amendments to the CVBR. The revised preamble, the new rights to respectful treatment and consideration of victims' interests in timely proceedings and removing "on request" from rights to information all represent important progress. These reforms reflect years of advocacy by this Office, survivors, and stakeholders, and are important because the CVBR is the main federal statute setting out victims' rights across the criminal justice system.

However, important structural gaps remain. If these gaps are not addressed, the bill may expand rights in principle without ensuring that victims can rely on them in practice.

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[1] OFOVC. (2020). Progress Report: The *Canadian Victims Bill of Rights*.
[2] OFOVC. (2026). Fulfilling the Promises of the *Canadian Victims Bill of Rights*: 10-year Progress Report.
[3] OFOVC. (2026). *The Pamela Arnott Series*.
[4] Perrin, B. (2026). Giving meaningful effect to victims' rights: The *Canadian Victims Bill of Rights* as quasi-constitutional legislation. OFOVC, *Pamela Arnott Series*.

1.1 Enforceability, remedies, and procedural fairness (ss. 25-29)

Parliament established the CVBR as quasi-constitutional legislation with two strong primacy clauses (ss. 21-22) and clearly stated in the preamble that victims of crime have rights guaranteed by the *Charter* and that **consideration of victim rights is in the interest of the proper administration of justice**.

At the same time, the CVBR imposes extraordinary limits on enforcement:

- Section 27 withholds any new procedural standing
- Section 28 eliminates civil remedies
- Section 29 denies appeals based on rights violations

The only pathway to resolve rights violations is through federal or provincial complaints (ss. 25-26).

Why it matters

Parliament chose a **complaint-based enforcement model** for the CVBR. Under **s. 25**, federal entities must maintain internal complaints processes, and **s. 25(2)** contemplates review by a federal body with authority to receive complaints where victims are dissatisfied.

In practice, the OFOVC is that body. All federal agencies direct victims in writing to contact the OFOVC if their CVBR complaint remains unresolved. No other federal organization receives CVBR-specific complaints across institutions.

The OFOVC's mandate to receive and review complaints is set out in an ***Order in Council***, which reflects this role. However, the CVBR **does not name the OFOVC**, nor does it expressly recognize its function in the statutory complaints framework.

This silence has concrete and detrimental consequences:

- **Oversight without statutory footing**
  The OFOVC functions as the default s. 25(2) mechanism, but its authority rests in an *Order in Council* rather than legislation.
- **Denied access to information**
  Because the OFOVC is not named in the CVBR or in statutes such as the *Corrections and Conditional Release Act* (CCRA), the Office is at times denied access to complaint files and decision-making records required to review alleged CVBR breaches. In these cases, the OFOVC is treated as a member of the public rather than a statutory oversight body.
- **Barriers for victims**
  Many complaints arise in corrections and conditional release contexts, where decisions directly affect victims' safety. Victims may not feel able to complain directly to the responsible institution, yet the independent body they are directed to lacks clear legal authority to obtain the information needed for meaningful review.

A complaint mechanism is only credible if it is **independent, accessible, and capable of effective review**. Where oversight depends on discretionary cooperation rather than statutory authority, procedural fairness and accountability are weakened.

This is a low-cost, important technical fix:

- **Name the OFOVC in the CVBR** as the federal complaints body contemplated by **s. 25(2)**
- **Authorize direct intake** where victims do not feel able to approach the responsible institution
- **Provide clear statutory authority** for the OFOVC to access complaint-related information held by federal entities, including under the **CCRA**

These amendments would not create new structures or costs. They would align the law with established practice and allow the CVBR complaints framework Parliament created to function as intended.

Recommendation 1: Address enforceability of the *Canadian Victims Bill of Rights*.

Parliament should address the enforceability gap created by **ss. 27–29 of the CVBR**, which currently foreclose judicial remedies without providing an equivalent, robust administrative alternative. This can be achieved in one of two ways:

Option A. Repeal ss. 27–29 of the CVBR

Repeal ss. 27–29 to restore victims' standing, access to judicial review, and meaningful legal recourse when CVBR rights are infringed or denied.

OR

Option B. Strengthen the complaints regime

If Parliament chooses to retain ss. 27–29, it must ensure that the administrative complaints model provides an effective substitute for judicial remedies by strengthening independence, oversight and procedural fairness.

This requires legislatively entrenching the **Ombudsperson for victims of crime**, with a clear statutory mandate to:

- be designated as the **primary federal complaints body** for alleged CVBR violations
- **receive complaints directly** from victims, including where they are unable or unwilling to complain first to the responsible institution
- **access all information necessary** to investigate complaints, including records relied upon in the original complaint review
- conduct reviews independently of the institution whose decision is under challenge
- operate in a **manner comparable to established federal oversight bodies**, such as the Privacy Commissioner and Official Languages Commissioner

Absent these elements, the **complaints regime cannot provide a level of procedural fairness or accountability** equivalent to the judicial remedies foreclosed by ss. 27–29.

Recommendation 2: Authorize direct complaints to the Federal Ombudsperson for Victims of Crime to improve accessibility, independence, and safety.

Parliament should amend the *Canadian Victims Bill of Rights* to explicitly **authorize victims to submit complaints directly to the Office of the Federal Ombudsperson for Victims of Crime (OFOVC)**, without requiring exhaustion of internal agency processes.

This change would, for example, reduce barriers for victims who feel unsafe or uncomfortable complaining to institutions that control custody, supervision or release decisions, and would improve the integrity of the complaints process. It would promote equity by bringing victims' access to oversight closer to the multiple review mechanisms available to federally-sentenced offenders.

Legislative option for amending the *Canadian Victims Bill of Rights*:

Federal Ombudsperson for Victims of Crime (New)

25 (4) Despite any other provision of this Act, a victim may file a complaint about a federal entity alleging a violation of their rights under this Act directly with the Federal Ombudsperson for Victims of Crime. The Ombudsperson may receive, review and address such complaints in accordance with their mandate, whether or not the victim has first submitted the complaint to the federal department or agency alleged to have caused the violation.

We also request future **supporting legislation** modelled on former Senator Pierre-Hugues Boisvenu's proposed *Federal Ombudsperson for Victims of Crime Act* (Bill S-265).[5] Similar provisions could be added to the CVBR in the future or tabled as standalone legislation.

1.2 List of federal entities

The proposed list of federal entities in clause 141 responsible for victim rights to information is incomplete and risks being read as an exhaustive list. The Canada Border Services Agency (CBSA), the Department of Justice Canada, the National Office for Victims and other relevant bodies are **not explicitly named**, despite their role in decisions that can affect victim safety and outcomes. These agencies already have CVBR complaints processes that include the right to information.

Recommendation 3: Clarify the list of federal entities

Amend clause 141 of Bill C-16 to read:

8.1 The federal departments, agencies or bodies from which victims have a right to receive the information referred to in sections 6 to 8 include, but are not limited to

(a) the Royal Canadian Mounted Police;

(b) the Office of the Director of Public Prosecutions;

(c) the Correctional Service of Canada;

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[5] Bill S-265, An Act to enact the Federal Ombudsperson for Victims of Crime Act, to amend the *Canadian Victims Bill of Rights* and to establish a framework for implementing the rights of victims of crime, 1st Sess, 44th Parl, 2023 (2nd reading, Senate).

(d) the Parole Board of Canada; ~~and~~

(e) the Miscarriage of Justice Review Commission;

(f) the Department of Justice Canada;

(g) the National Office for Victims of Crime; and

(h) the Canada Border Services Agency.

1.3 "Readily available" is undefined and risks uneven implementation

Proposed s. 8.2 of the CVBR requires that information about victims' rights be made "**readily available**".

The term **"readily available"** is not defined in the CVBR and is used sparingly in the *Criminal Code* and other federal statutes. [6] Without a clear standard, it risks being interpreted as requiring only passive disclosure, such as making information available on a website, without regard to whether victims can meaningfully access or use that information. This is inconsistent with the role information plays in enabling victims' rights to protection and participation. The term **"readily accessible"** is more proactive, as it retains the requirement that information be available while affirmatively recognizing the need to address barriers (e.g., language, disability, geographic, technological) to access.

Recommendation 4: Replace "readily available" with "readily accessible"

Amend clause 141of Bill C-16 to read:

Information about rights

8.2 The federal departments, agencies or bodies that are involved in the criminal justice system, including the ones referred to in section 8.1, must ensure that information about the rights of victims under this Act is made readily ~~available~~ accessible.

1.4 Information about removal orders after sentence expiry

A significant gap arises when a federally-sentenced offender is transferred from the Correctional Service of Canada (CSC) to the CBSA for removal or deportation after their sentence has expired. Under the current framework, once the sentence ends, **victims lose any legislated right to know** whether a removal order has been executed or whether the individual remains in Canada.

This gap exists even where removal proceedings arise directly **from the criminal offence committed against the victim**. Victims—particularly those who remain fearful, have taken safety precautions, have relocated or spent time in witness protection—may be left without confirmation of whether the person who harmed them is still in the country. In some cases, victims have lived for

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[6] The expression "**readily available**" appears rarely in the *Criminal Code* (for example, in s. 715 regarding the availability of video conferencing). "Readily available" appears in the *Canada Labour Code* in relation to health and safety information. Related terms such as **"readily accessible"** have been interpreted in other legal contexts to incorporate considerations of **physical proximity, obstacles to access and context** (for example, in firearms legislation).

years without this information or learned only by chance that an offender had been released from CBSA custody.

Where the Government makes a removal decision flowing from a criminal offence, the victim of that offence should not be excluded from the process once the sentence expires.

Recommendation 5: Amend the CVBR to provide victims with a right to information about removal orders arising from criminal offences

This could be done by:

- **amending s. 6 (right to information)** to recognize that victims have a right to be informed of removal orders from Canada that arise from a criminal offence committed against them; and
- **amending s. 18(1)** to include post-sentence decisions and outcomes relating to an offender's removal from Canada where the removal flows from the offence.

1.5 CVBR compliance statements

The *Canadian Victims Bill of Rights* (CVBR) is quasi-constitutional legislation with two distinct primacy clauses.

Interpretation of other Acts, regulations, etc.

21 To the extent that it is possible to do so, every Act of Parliament enacted — and every order, rule or regulation made under such an Act — before, on or after the day on which this Act comes into force **must be** construed and applied in a manner that is compatible with the rights under this Act.

Primacy in event of inconsistency

22 (1) If, after the application of sections 20 and 21, there is any inconsistency between any provision of this Act and any provision of any Act, order, rule or regulation referred to in section 21, **the provision of this Act prevails to the extent of the inconsistency.**

We need a proactive approach to apply the primacy clauses of the CVBR to federal legislation, so victim rights to information, protection and participation are considered early in the drafting stage. In our 10-year progress report on the CVBR, we proposed including the following amendment:

Compliance statement

22 (3) The Minister shall, for every Bill affecting victims' rights, introduced in or presented to either House of Parliament by a minister or other representative of the Crown, cause to be tabled, in the House in which the Bill originates, a statement of compliance with the *Canadian Victims Bill of Rights* to inform members of the Senate and the House of Commons as well as the public of those potential effects.

This could also be achieved through a revision to the *Department of Justice Act*. Sections 4.1 and 4.2 of that *Act* require the Minister to provide a *Charter* statement when tabling legislation:

Charter statement

4.2 (1) The Minister shall, for every Bill introduced in or presented to either House of Parliament by a minister or other representative of the Crown, cause to be tabled, in the House in which the Bill originates, a statement that sets out potential effects of the Bill on the rights and freedoms that are guaranteed by the *Canadian Charter of Rights*.

Purpose

(2) The purpose of the statement is to inform members of the Senate and the House of Commons as well as the public of those potential effects.

Requirements are further described in the *Canadian Charter of Rights and Freedoms Examination Regulations*.

We believe victims' rights could be significantly advanced by requiring a parallel analysis of how proposed legislation complies with the CVBR. This could be incorporated as a distinct subcomponent of existing *Charter* statements, ensuring that victims' legal rights—including their *Charter*-protected rights—are directly considered in the development of federal laws.

Since victims of crime have limited avenues to enforce their rights and generally cannot challenge violations in court like an accused person or convicted person, Parliament would strengthen procedural fairness by adopting a proactive process to comply with the legal primacy of the CVBR.

Recommendation 6: Issue CVBR compliance statements for new criminal justice legislation

Amend the CVBR to include a requirement for the Minister of Justice to table compliance statements with the CVBR when introducing new criminal justice legislation. This could be further embedded in the *Department of Justice Act* and completed as a subcomponent of *Charter* statements.

1.6 Mandatory five-year parliamentary review of the CVBR

Bill C-16 does not require a structured review of the CVBR amendments. Given the central importance of the CVBR and its evolving implementation, a regular review is essential. A mandatory review would allow an examination of gaps and issues affecting the CVBR.

For example, our 10-year CVBR progress report found that there is no requirement for training on victims' rights for lawyers or paralegals seeking professional licences. Of six provinces that responded to a request for information, five confirmed that the CVBR is not currently included in bar admission training or licensing examinations. Only Quebec indicated that the CVBR is part of standard training, and even there it may not appear on examinations. Without consistent professional training, the CVBR cannot be reliably implemented.

Recommendation 7: Mandatory five-year parliamentary review of the CVBR

Amend Bill C-16 to include the following:

Review of *Canadian Victims Bill of Rights*

Within five years after the day on which this section comes into force, a comprehensive review of the provisions and operation of the *Canadian Victims Bill of Rights* is to be commenced by a committee of the Senate, of the House of Commons, or of both Houses of Parliament that may be designated or established for that purpose. At minimum, the review should examine:

- how effectively victim rights are being implemented
- how effectively data is captured to measure compliance
- how well complaint mechanisms are functioning, including direct access to independent oversight
- what legislative or policy adjustments are needed to respond to emerging issues

The review should include consultation with:

- **Victims and survivors** from different backgrounds with differing relationships to the perpetrator (including family relationships)
- Victim-serving organizations
- Federal, provincial, and territorial agencies that interact with victims
- law societies and legal education bodies, on CVBR inclusion in
    - bar admission and licensing
    - continuing professional development
    - judicial education

This would help ensure that the CVBR is not only written into law, but also integrated into the training and practice of the people who apply that law.

2. *Corrections and Conditional Release Act* (CCRA)

Clauses 188 to 196 of Bill C-16 propose changes to the CCRA that would improve victim rights after sentencing. These changes respond directly to complaints that victims and survivors have raised with our Office, including**:**

- A right to be told about an offender's security level and where they are being held
- Advance notice of transfers, releases, and the reasons for these decisions
- The ability to provide input on where an offender is placed
- Written explanations when authorities do not impose conditions requested by a victim

However, to ensure these improvements work in practice and protect victims' rights, further changes are needed.

2.1 Recognize victim information as distinct from offender information

Clause 190 of Bill C-16 replaces s. 25 of the CCRA with a new information-sharing framework (new ss. 25–25.5). It authorizes the CSC to enter into arrangements and share information with partners such as the Parole Board of Canada, provincial correctional authorities, police, and other criminal justice bodies.

Proposed s. 25.4 of the CCRA lists guiding principles for information sharing, including necessity, proportionality, minimization of unnecessary personal information, accuracy, and security.

This modernization is important. However, in practice, CSC often stores detailed identifiable victim information inside offender files such as:

- names, addresses, trauma histories, and safety concerns;
- pre-sentence reports, victim statements, risk assessments and transfer decisions that routinely combine offender and victim information.

Victims of crime have legal privacy rights that are distinct from offender information, even when it is stored in an offender's institutional file. We recognize the importance of being able to share victim information appropriately to support safety, correctional programming, and release decisions. However, victims should be named separately in the proposed amendments to respect their rights to dignity and privacy and acknowledge them as rights-holders.

Recommendation 8: Recognize victim information in s. 25.1(1) of the CCRA

Amend clause 190 in Bill C-16 that addresses s. 25.1(1) of the CCRA to recognize victims' information as distinct:

> **25.1(1)** The Service may enter into an arrangement with another component of the criminal justice system in order to disclose information about offenders or victims.

This would make clear that victims are also subjects of information whose privacy and safety interests must be considered.

2.2 Ensuring victim notifications continue after transfers

When a federally-sentenced offender is transferred to a provincial institution, the receiving provincial authority obtains the offender's security and program file, but it does not receive the federal victim registry record, which includes:

- the list of registered victims
- their notification preferences
- any safety-related conditions tied to their concerns
- their contact information

Victims who have registered under s. 26(3) and s. 142(3) of the CCRA lose all notification continuity at the moment of transfer. Provincial victim notification regimes are inconsistent across jurisdictions, and none are synchronized with the federal CSC registry.

Recommendation 9: Ensure victim registry information follows federal-to-provincial transfers

Amend Clause 190 in Bill C-16 to add a new paragraph:

> 25.2 (d) information, including historical information, related to any victim who is registered with the Service, in respect of the offender, including the victim's notification preferences and any conditions of the offender's confinement or release that have been imposed or recommended in response to victim safety concerns.

This would help ensure that when a federal offender is transferred to a provincial facility, the receiving authority can:

- Identify existing registered victims; and
- Coordinate with provincial victim services to maintain notification and safety measures.

2.3 Protecting victim information in digital systems

Bill C-16 introduces new s. 25.5, which governs disclosure via a "digital interface" administered by CSC. As drafted, it speaks only to information about offenders. As more information is shared through online systems, it is essential to protect victims' privacy. Online information-sharing systems administered by CSC must protect victim information as carefully as offender records.

Recommendation 10: Protect victim information in digital interfaces

Amend clause 190 of Bill C-16 to read:

> Digital interface — required disclosure
>
> **25.5 (1)** If the Service is authorized to disclose information about offenders or victims under this Act or any other Act of Parliament and the Service intends to make the disclosure by providing access to a digital interface it administers, it must enter into an arrangement with the recipient of the information.

3. *Criminal Code of Canada*

3.1 Coercion or control of intimate partner

Bill C-16 creates a new *Criminal Code* offence at s. 264.01 that targets a **pattern of coercive or controlling conduct toward an intimate partner**.

The OFOVC **supports the criminalization of coercive control**. Clause 28 of Bill C-16 responds directly to the OFOVC's casework with victims and survivors and two OFOVC-commissioned research papers.[7] [8]

Together, these sources show that incident-based criminal law often fails to capture the sustained patterns of power and control that define intimate partner violence. Coercive control is experienced not as a single event, but as an ongoing pattern of conduct that systematically undermines the victim's safety, dignity, and ability to make independent choices in daily life.

Bill C-16 also provides for a **two-year delayed commencement** of the new offence under **s. 206(2)**. This is an **essential implementation measure**, allowing time to develop the **training, policy, and guidance** needed for the offence to function as intended.

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[7] Carmen Gill & Mary Aspinall, *Understanding Coercive Control in the Context of Intimate Partner Violence* (OFOVC Research Corner, April 2020).
[8] Andrea Silverstone, *Understanding the Experiences of Coercive Control and Sexual Exploitation* (OFOVC Research Corner, May 2022).

Implementation challenges: low charging, high attrition, and criminalization risks

Experience in other jurisdictions shows that **creating a coercive control offence is only the first step**. Without **robust implementation**, charging and conviction rates can remain very low.

- England and Wales : 6.7% of all domestic abuse-related offences in 2021-2022 were charged compared to only 3.7% for controlling or coercive behaviour crimes.[9]
- More recent data for the year leading up to March 2024 show that out of **44,212 coercive or controlling behaviour offences recorded by police, only 9% reached the court**, up from 6% the previous year, but still indicating **attrition**.[10]

These implementation challenges underline the importance of the **two-year delayed commencement** in Bill C-16 to:

- develop **specialized training** for police, Crown, defence, judges and victim services
- create clear investigative and evidentiary guidance
- build **trust with survivors**, so they feel safe and supported in coming forward

Furthermore, risks of survivor misidentification and criminalization should be noted. The breadth and complexity of "coercive or controlling conduct" create a risk that survivors of intimate partner violence may themselves be charged when they engage in defensive or protective behaviour that technically fits within the listed acts.

- For example, a survivor who temporarily restricts a violent partner's access to money or technology to protect herself or her children could be alleged to be "controlling," even though her conduct is **protective rather than abusive**.

If these risks are not carefully managed through training, police and prosecutorial policy, and ongoing monitoring, the new offence could reproduce existing injustices by:

- **under-protecting** those most affected by coercive control; and
- **over-policing** those who act in self-defence or under coercion.

Relational scope: gaps for elder abuse and non-partner caregiving

As drafted, the new offence is **limited to intimate partners**. This leaves significant **gaps in protection** for victims experiencing comparable patterns of coercive control in other relationships, particularly:

- **Elder abuse by family members**, where adult children or other relatives exert ongoing control, including **financial exploitation, isolation, psychological domination and surveillance.**
- **Non-partner caregiving relationships** (paid or unpaid) involving persons with disabilities, which may be characterized by a high degree of **trust, authority, and dependency**, can mirror intimate partnerships in terms of **vulnerability and risk**.

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[9] Home Office UK Government. (2023). *Controlling or Coercive Behaviour: Statutory Guidance Framework*.
[10] Davies, P. & Barlow, C. F. (2024) as cited in Home Office UK Government. (2025). *Shifting the scales: Transforming the criminal justice response to domestic abuse*. Policy paper.

These patterns can be **functionally similar to intimate partner coercive control** and may place victims — especially older adults and persons with disabilities — at significant risk. Yet they fall **outside the current scope** of s. 264.01.

Recommendation 11: Broaden relational coverage to capture elder abuse

Amend clause 28 to expand the relationship categories in s. 264.01 to include relatives. This would better reflect that more than **one in four femicides** are committed by **family members who are not intimate partners** and would help address **elder abuse** where coercive control is exercised by relatives.[11]

Recommendation 12: Add a statutory review with disaggregated data

Amend Bill C-16 to add:

> **Review of coercive control offence**
>
> Within five years after the day on which s. 264.01 comes into force, the Minister of Justice shall cause to be tabled before each house of Parliament a report on the operation of that section.
>
> The report shall include, data and analysis concerning:
>
> a) the number of charges laid, prosecutions commenced and outcomes, including withdrawals, stays, discharges, dismissals, and convictions, under s. 264.01
> b) the characteristics of the persons charged and complainants, disaggregated by gender and by the nature of the relationship between them
> c) any evidence that persons subjected to coercive or controlling conduct have been misidentified or criminalized as offenders under that section; and
> d) any other matter that, in the opinion of the Minister, is relevant to the operation of that section
>
> The review should also examine whether Parliament should:
>
> - **Consider expanding ss. 264.01 (1) – (3)** to include certain non-partner caregiving relationships characterized by trust, authority or dependency; or
> - **Create a parallel offence** targeting coercive or controlling conduct by non-intimate-partner caregivers, especially in respect of older adults and persons with disabilities.

Recommendation 13: Mitigate risks of survivor misidentification and criminalization

- Develop **clear prosecutorial and policing guidelines** to minimize the risk that **victims acting in self-protection** or under coercion are themselves charged under s. 264.01.
- Ensure that victims' CVBR **rights to information and participation** are respected by:
    - informing them about how the new offence works; and

[11] Statistics Canada. (2023, April 5). *Gender-related homicide of women and girls in Canada*. *Juristat*.

- giving them **meaningful opportunities to express their concerns** when charges or no-charge decisions are being considered.

3.2 Femicide

Bill C-16 makes murder first degree where it is committed:

- in the context of a **pattern of coercive or controlling conduct against an intimate partner** (s. 231(5.1)(a))
- in the context of **sexual violence or human trafficking** (s. 231(5.1)(b), (c))
- when **motivated by hate**(s. 231(5.1)(d)); or
- while committing or attempting criminal harassment with specified intent (s. 231(6))

Clause 26 of Bill C-16 further requires courts, when sentencing for manslaughter, to consider life imprisonment where the killing occurred in any of these circumstances (s. 236(2)(a)–(d)).

Why it matters

These amendments respond to well-documented drivers of femicide in Canada. Police-reported data show that, between 2011 and 2021, 77% of cleared homicides of women and girls involving a male accused were gender-related, occurring in contexts that disproportionately affect women and girls, including intimate partner or family violence, sexual violence, or exploitation.[12]

Under-recognition of family-based femicide

Dr. Myrna Dawson's national review of femicide of older women highlights how gender, age, and family relationships intersect and notes that:[13]

- older women represented about one-third of all women and girls killed by violence in Canada between 2018 and 2020, and were overrepresented relative to their share of the population in 2019
- older women are less likely than younger women to be killed by an intimate partner, but more likely to be killed by other family members, including adult children
- these killings are strongly associated with **contexts of coercive control, social isolation, frailty, and dependence on family caregivers**, even when such patterns are not consistently recognized in justice processes

Thus, the forms of violence targeted by Bill C-16 –coercive control, sexual violence, exploitation, and persistent harassment—are centrally implicated in **gender-related killings of women and girls**, including older women beyond intimate partners.

Dawson's analysis of femicide of older women shows how **parricide and matricide** are important but under-recognized. Drawing on data from the Canadian Femicide Observatory for Justice and Accountability (CFOJA), she reports that:[14]

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[12] Ibid.
[13] M. Dawson, *Research paper: Not the 'golden years: Femicide of older women in Canada.* (OFOVC Research Corner April 2021)
[14] Ibid.

- in 2019, at least 13 mothers were killed, and their sons were the accused, representing one in every 10 femicides that year (11%), with victims aged 50 to 88; and
- across 2016–2019, **at least 42 of 427 women and girls killed (10%)** involved their sons as the accused.

Recommendation 14: Expand femicide offence to include family members

Amend clause 25 of Bill C-16, ss.231(5.1)(a) and 236(2)(a) to expand the femicide provision to ensure that **family members**, other than intimate partners are brought within the constructive first-degree murder provision and sentencing schemes where they commit homicide in circumstances equivalent to those listed for intimate partners.

3.3 Bail notification to victims

For many survivors, the bail stage is one of the highest-risk moments. If we want to **prevent femicide** in Canada and promote victim safety across all offences, we need to centre survivor safety and survivor voice in how we design and administer bail.

In a recent response to a question from the Ombudsperson, Dr. Myrna Dawson, Director of the CFOJA, shared that:

- from 2018 to 2025, at least 52 women and girls were killed while a protection order was in place or the accused was on bail
- 79% of accused were former intimate partners
- of those with known histories, 54% had prior domestic-violence convictions

Additionally:

- Survivors report that Gladue factors, while essential, are not always accompanied by equal consideration of the safety of Indigenous women, consistent with the findings of the National Inquiry into MMIWG2S+
- Survivors in small and remote communities have limited protection options when an accused person is released back into the community
- Conflicting orders between criminal and family courts compromise survivor safety
- Across jurisdictions, we still lack consistent national data on how often victims are notified about bail, how often their safety concerns are considered, or how breaches affect outcomes. Without data, we cannot evaluate risk—or prevention—with accuracy.

Failing to notify victims violates their rights

Failing to notify the victim when the state releases an accused charged with a violent crime introduces foreseeable risk to the victim that is arbitrary, grossly disproportionate to the privacy interests of the accused, and contrary to the interests of public safety.

This is inconsistent with **s. 7 of the *Charter***, which protects the **rights to life, liberty and security** of the person, and with **s. 10 of the CVBR**, which provides every victim with the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from intimidation and retaliation. This is not an information gap—**it is a safety gap**.

The current bail regime in the *Criminal Code* requires a justice to include a statement in the record of proceedings that they have considered the safety and security of every victim and the community in their decision. A victim has the right to request a copy of the order, and the judge must ask the prosecutor if the victim has been informed that they can request a copy.

> Victim's and community's safety and security
> **515 (13)** A justice who makes an order under this section shall include in the record of the proceedings a statement that the justice considered the safety and security of every victim of the offence and the safety and security of the community when making the order.
>
> Copy to victim
> **515 (14)** If an order is made under this section, the justice shall, on request by a victim of the offence, cause a copy of the order to be given to the victim.
>
> Inquiry for copies
> **515 (14.1)** Upon making an order under subsection (2), the justice must ask the prosecutor whether victims of the offence have been informed of their right to request a copy of the order.

Some jurisdictions in Canada have guidance on victim notification in their Crown policies, but these frameworks are discretionary, unevenly applied, and do not create a clear, enforceable right for victims to be notified when an accused is released on bail.

Recommendation 15: Victims must be notified of bail orders and safety-related conditions

We propose that the Government include a requirement to notify victims about bail orders in Bill C-16, which is consistent with other reforms in Bill C-16 such as clause 46 Notice to Victims about *Jordan* applications.

When the Ombudsperson appeared at the LCJC Senate Committee on Bill C-14[15], Senators requested proposed language for provisions to notify victims. The Ombudsperson suggested that victim notification would be consistent with other measures in C-16 (*Protecting Victims Act*).

We propose amendments to s.515 and s.516 of the *Criminal Code* to require prosecutors to ensure that reasonable steps are taken, without delay, to notify identifiable victims of the offence of bail orders including release, detentions, non communication orders, and any other orders relevant to the safety and security of the victim.

[15] OFOVC, March 26, 2026, *Remarks to the Standing Senate Committee on Legal and Constitutional Affairs (LCJC) Bill C 14*.

3.4 Preliminary inquiries for children

Bill C-16 would expand the range of **child sexual offences carrying a 14-year maximum sentence**, thereby increasing the availability of **preliminary inquiries that can be requested** in cases involving child complainants. This proposed expansion must be viewed with caution.

Preliminary inquiries are not constitutionally required, and existing case-management tools that narrow their scope do **not** prevent children from being required to **testify twice**—once at the preliminary inquiry and again at trial.

It is well established that testifying more than once causes foreseeable, serious and lasting harm to the psychological integrity of children.[16] A longitudinal Canadian study of 344 children receiving services at Child Advocacy Centres found that children required to testify more than once had higher levels of emotional distress 2 years later.[17]

Evidence from the OFOVC's systemic investigation underscores the harms associated with adversarial questioning and multiple proceedings.

"The preliminary hearing was excruciatingly long and painful and I didn't feel like I knew to expect how awful it made me feel. I suffered for over a year after."[18]

"It was almost two years until the preliminary hearing. During those two years, my life spiraled out of control. At the prelim, I spent two whole days on the stand. It was horrific."[19]

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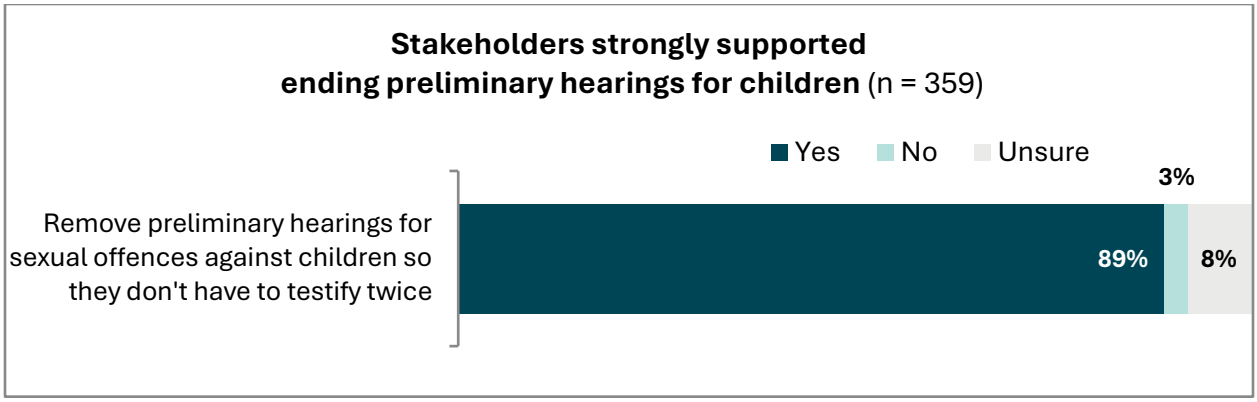
[16] Bala, N. (2025). Child witnesses in Canada's criminal justice system: Progress, challenges, and the role of research. *Victims of Crime Research Digest, No. 18.* Department of Justice Canada. Elmi, M. H., Daignault, I. V., & Hébert, M. (2018). Child sexual abuse victims as witnesses: The influence of testifying on their recovery. *Child Abuse & Neglect, 86*, 22–32.; Quas, J. A., & Goodman, G. S. (2012). Consequences of criminal court involvement for child victims. *Psychology, Public Policy, and Law, 18*(3), 392–414.; Rush, E. B., Quas, J. A., & McAuliff, B. D. (2013). Child witnesses' experiences of distress in criminal court: Sources, consequences, and solutions. In M. K. Miller & B. H. Bornstein (Eds.), *Stress, trauma, and wellbeing in the legal system* (pp. 89–121). Oxford University Press.

[17] Elmi, M. H., Daignault, I. V., & Hébert, M. (2018). Child sexual abuse victims as witnesses: The influence of testifying on their recovery. *Child Abuse & Neglect, 86*, 22–32.

[18] OFOVC. (2024). *Rethinking Justice for Survivors of Sexual Violence: a systemic investigation*, Survivor survey respondent #110

[19] OFOVC. (2024). *Rethinking Justice for Survivors of Sexual Violence: a systemic investigation*, Survivor interview #110

Stakeholder perspectives on eliminating preliminary inquiries



Of 359 stakeholders who responded to a question on ending preliminary inquiries, 319 people said they should be ended, 29 were unsure and **only 11 people said no**.[20]

In addition, we heard that Crown attorneys may proceed on less serious charges involving children or proceed on summary conviction offences to protect children from testifying twice.[21]

For **children**, who are at heightened vulnerability, exposing them to **multiple cross-examinations** at both a preliminary inquiry and trial is incompatible with a **trauma-informed, victim-centred** approach and difficult to reconcile with a **quasi-constitutional right to protection** under the CVBR. While Bill C-16 proposes to **strengthen testimonial aid protections at preliminary inquiries**, these welcome safeguards **do not eliminate the need for testifying, or the harms of, multiple cross-examinations separated in time.**

Recommendation 16: Eliminate preliminary inquiries for complainants under 18.

Amend s. 535 of the *Criminal Code* to eliminate preliminary inquiries for complainants under 18. This would protect children, reduce delays, save resources, and simplify criminal procedures.

Recommendation 17: Strengthen protections for complainants and witnesses under 18 years

If Parliament does not abolish preliminary inquiries for children outright (recommendation 16), at minimum establish a strong presumption against them.

Recommendation 18: Single testimony rule for complainants under 18 years

- **Option:** Use s. 715.1 (video statements) of the *Criminal Code* exclusively at preliminary inquiries.
- **Option:** Build on s.715.1 (video statements) to introduce a procedure to allow a single recorded, court-supervised examination and cross-examination of child complainants (with counsel present) deemed to be the child's evidence at both preliminary inquiry and trial.

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[20] OFOVC. (2024). *Rethinking Justice for Survivors of Sexual Violence: a systemic investigation*, Stakeholder survey

[21] OFOVC. (2024). *Rethinking Justice for Survivors of Sexual Violence: a systemic investigation*, Stakeholder interview #53, #7

3.5 Unreasonable delay: codifying victim interest in the Jordan framework

The OFOVC's systemic investigation on the experiences of survivors of sexual violence documented the many ways court delays harm survivors of sexual violence:

- *Rethinking Justice for Survivors of Sexual Violence: R v. Jordan*

Survivors prepare themselves psychologically, take time off work, organize childcare and sometimes travel significant distances in order to testify in court. Many described last-minute postponements and, worse, last-minute, unexpected *Jordan* stays. Child and youth advocates reported secondary traumatization among children and youth forced to endure years of harmful court processes.

When years of waiting culminate in *Jordan* stays, the risk of mental health harm for children and adults, especially those who face intersectional barriers, cannot be understated.

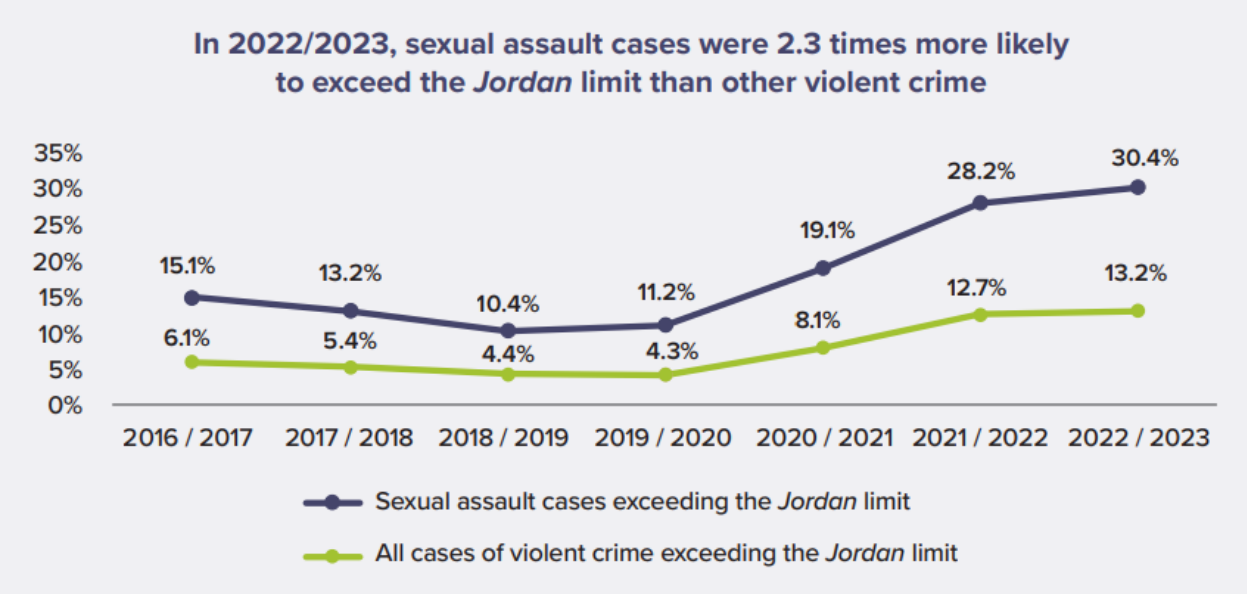
> *"I don't think there is anything worse for a victim than to have a trial stayed."*

Survivors told us they typically received no notification, no explanation, and no access to supports.[22] Delays expose victims to prolonged risk, re-traumatization, and exclusion from justice — harms not currently considered when courts assess whether delay is unreasonable under *Jordan*.[23]

Cases of sexual violence are more likely to be impacted by the *Jordan* limit. Our systemic investigation noted that in 2022-23, 1 in 7 sexual assault cases were stayed or withdrawn as a result of exceeding the Jordan timeline, and these cases were 2.3 times more likely to exceed the *Jordan* limit compared to other violent crime cases.

[22] OFOVC. (2024). Rethinking Justice for Survivors of Sexual Violence: a systemic investigation, Survivor interview #39

[23] *R v. Jordan*, 2016 SCC 27, [2016] 1 SCR 631.



Defence conduct not referenced in bad-faith provisions

Proposed s. 492.3 of the *Criminal Code* directs courts to consider "any frivolous or dilatory action, or any action not made in good faith" by:

- the prosecutor;
- counsel representing the Attorney General of Canada; and
- any person acting on their behalf.

The section does not refer to defence conduct, even though defence actions can also be frivolous, dilatory or in bad faith and can significantly contribute to delay. Without explicit reference to the defence, the provision risks appearing to place responsibility for delay on the Crown alone.

Recommendation 19: Expressly include defence conduct in proposed s.492.3 of the *Criminal Code*

Amend Bill C-16, clause 46, s. 492.3, to read:

Actions not made in good faith

492.3 For greater certainty, in determining the days that are not to be taken into account in relation to applications or objections referred to in sections 492.27 to 492.29, the court shall take into account any frivolous or dilatory action, or any action not made in good faith, taken by

(a) the prosecutor;
(b) counsel representing the Attorney General of Canada;
(c) the accused or their counsel; or
(d) any person acting on behalf of a person referred to in paragraphs (b) to (c).

This would:

- ensure balanced attribution of responsibility for delay;
- encourage all parties to act with due diligence; and

- reinforce that timely justice is a shared responsibility.

Victims' interests in stay remedies

Proposed s. 492.31(2)(b) of the *Criminal Code* requires courts, in deciding whether a remedy other than a stay is "appropriate and just," to consider the impact that a stay of proceedings is likely to have on any victim of the offence.

However, there is no explicit mechanism for the court to obtain information from victims about that impact.

Requiring the Crown alone to speak to victims' interests can create potential conflicts of interest, particularly where the Crown's position on delay or remedy diverges from victims' expressed concerns. It may also undermine the new CVBR right to have victims' interests in timely proceedings taken into account.

Recommendation 20: Ensure that courts have an evidentiary basis for considering the impact of a stay on victims.

Amend Bill C-16, clause 28 s. 492.31 to include:

> Proposed new s. 492.31(3)
>
> **Inquiry by court**
> (3) Before ordering a stay of proceedings as a result of a finding of unreasonable delay, the court shall inquire of the prosecutor whether
>
> a) reasonable steps have been taken to inform any victim of the offence of the potential stay; and
> b) the victim has been given an opportunity to express their views on the impact of a stay on their safety and well-being, either directly or through the prosecutor.

This would give meaningful effect to the new CVBR right to have victims' interests in timely proceedings taken into account.

3.6 Sexual History Evidence

Bill C-16 modernizes the **s. 276** regime on using evidence about a complainant's other sexual history . It updates procedures and creates new publication-ban offences in ss. 276.03, 276.07,and 276.11 of the *Criminal Code*.

Risk of criminalizing complainants for speaking about their own experiences

Under the new provisions, no one is allowed to publish, broadcast or transmit:

- the contents of s. 276 applications
- any evidence, information or submissions at s. 276 hearings; and
- certain decisions and reasons related to those applications

If someone breaches these conditions, they can be charged with a summary conviction offence.

As currently drafted, these provisions **do not expressly exclude complainants themselves**. There is no express protection for a complainant who chooses to speak about their own information in a s.276 context. This creates a risk that:

- survivors could be prosecuted for talking about their own experiences of sexual violence
- Researchers, advocates, and others may be discouraged from examining and discussing how s. 276 works in practice.

In 2023, Parliament passed Bill S-12, amending s. 486.4 of the *Criminal Code* to ensure that victims would no longer be criminalized or under the threat of criminalization for violating measures intended to protect victims.[24]

Survivors should not be criminalized for speaking about their own experiences of sexual violence or about the court processes that affected them.

Recommendation 21: Add explicit non-prosecution protection for complainants in all new publication-ban offences

Amend the proposed publication-ban provisions in Bill C-16 associated with ss. 276.03, 276.07 and 276.11, 278.18 and 278.27 to:

- clarify that complainants will not be prosecuted for publishing or communicating their own information, including details of the application and hearing, as long as they do not identify other victims whose identities are protected; and
- ensure consistency with existing protections under **s. 486.4** of the *Criminal Code*

This would protect complainants' autonomy and freedom of expression while preserving the privacy of other participants.

3.7 Therapeutic and third-party records

Therapeutic records are **deeply personal**, and the risk that they may be disclosed to the courts and to the person who harmed a survivor can itself cause **foreseeable harm.**

The OFOVC's systemic investigation describes survivors' and stakeholders' experiences with requests for therapeutic records:

- **Rethinking Justice for Survivors of Sexual Violence**: Access to Therapeutic Records

Survivors reported that the possibility of access to therapeutic records caused **severe distress and thoughts of suicide**, and forced them to choose between accessing mental health care and going to court.

[24] Bill S-12, An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act, 41st Parliament, 2nd Session (SC 2023, c 23).

"I've never in my life done this before, but when I heard he was applying for my records I wanted to die. [Description of self-injury removed]. I spoke with two suicide crisis lines."

"I cannot overstate how hopeless I feel ever since the application was made. I never in a million years would have gone to counselling if I'd know this would happen."[25]

"I feel like I'm the one suffering all the consequences... I have never been so depressed and wanting to die as when I found out they were applying for my records. I have given serious thought to either killing myself or disappearing. And never felt so keenly how unjust the legal system is that this is acceptable to do to victims, when what value do the counselling records actually provide? I will never report another crime. If other victims ask me, I will tell them they shouldn't either."[26]

Bill C-16 **replaces the current third-party records regime with a new framework**. It recognizes **"therapeutic records" as a distinct category** and creates multiple tracks depending on who seeks production and where the record is held.

We support these changes, which move toward an "innocence at stake" standard. However, **three important gaps remain**.

Lack of guidance on the context of therapeutic records

Therapeutic records are **uniquely context-sensitive**. They often contain symptom descriptions, clinical hypotheses and exploratory statements, rather than findings of fact.

Bill C-16 does not require courts or parties to treat therapeutic records with caution or provide contextual explanation when they are produced. Without guidance, there is a risk that **trauma-related symptoms** will be misinterpreted as signs of unreliability, inconsistency, or fabrication, rather than understood as expected effects of violence and trauma.

Recommendation 22: Provide guidance on the interpretation of therapeutic records

The Committee should consider an amendment directing courts to recognize the therapeutic context of such records and, where appropriate, to caution fact-finders about the limited inferences that can properly be drawn from them. This would help reduce the risk that trauma-related symptoms are misinterpreted as evidence of fabrication or unreliability.

[25] OFOVC. (2024). Rethinking Justice for Survivors of Sexual Violence: a systemic investigation, Survivor survey respondent #192
[26] OFOVC. (2024). Rethinking Justice for Survivors of Sexual Violence: a systemic investigation, Survivor survey respondent #454

Sexual Assault Examination Kits (SAEKs) not expressly identified

The new definition of "record" in clause 34, s. 278.1 includes:

"medical, education, employment, child welfare, adoption and social services records, personal journals and diaries, and any record containing personal information…"

However, the definition does not explicitly refer to Sexual Assault Examination Kits (SAEKs) or their contents and results, even though SAEKs contain highly personal medical and forensic evidentiary information. Without explicit reference to SAEKs, interpretation of whether and how they are protected under the regime may vary across jurisdictions.

Recommendation 23: Explicitly include SAEKs within "record"

Amend Bill C-16, clause 34, s. 278.11 to 278.36 to state that Sexual Assault Examination Kits and their contents and results are included in the definition of "record." This would:

- remove any ambiguity regarding the application of the regime to SAEKs; and
- ensure consistent protection of highly sensitive forensic medical information.

Publication-ban risk for complainants

Clause 28, ss. 278.18 and 278.27 prohibit the publication, broadcasting or transmission of applications, hearings, and decisions related to therapeutic and third-party records, and create summary-conviction offences for breaches. As with the proposed s. 276 publication-ban provisions discussed above, these sections do not expressly exempt complainants who speak about their own information or records, creating a risk of criminalizing survivors for discussing their records or the impact of these proceedings on them.

The publication-ban regime for therapeutic and third-party records should therefore be harmonized with s. 486 of the *Criminal Code*, with clear non-prosecution protections for complainants.

3.8 Measures to facilitate victim participation

Clauses 49–51, 79, and 83 of Bill C-16 amend the *Criminal Code* to require courts, when considering adjournments, to consider the interests of any victim of the offence **"if information related to the victim's interests is readily available."**

This is an important recognition that procedural decisions can have real consequences for victims' safety, well-being, and sense of inclusion in the justice process.

However, there are structural gaps:

- There is **no clear mechanism** to notify victims that an adjournment is being sought or to ask for their views before the court decides.
- No party has a legal duty to collect and relay victims' interests. The Crown prosecutes in the **public interest** and does not act as the victim's lawyer.
- The phrase "if information related to the victim's interests is readily available" may limit the impact of this new requirement unless there is a practical way for victim input to be gathered.

Recommendation 24: Add judicial inquiry on the impact of adjournment

To give real meaning to the new CVBR **right to timely trial and resolution**, amend clauses 49-51, 79, and 83 of Bill C-16.

Proposed draft amendment, clause 49, new s. 537 (1.002):

> **Inquiry by court**
>
> **(1.002)** When an adjournment is sought in respect of an inquiry relating to an offence involving an identifiable victim, the justice shall inquire of the prosecutor whether reasonable steps have been taken, where practicable,
>
> (a) to inform the victim of the proposed adjournment; and
> (b) to provide the victims with an opportunity to share their views in relation to the adjournment.

Equivalent subsections should be added to ss. 571, 645, 803 and 824 of the *Criminal Code*.

3.9 Alternative measures and restorative justice

Clause 59 of Bill C-16 adds a new Part XXII.2 to the *Criminal Code*. It sets out a national framework for alternative measures and restorative justice processes in adult criminal cases (ss. 715.44–715.6 (1)).

Admissions in alternative measures and later proceedings

Proposed s. 715.51 of the *Criminal Code* provides that admissions, confessions or statements accepting responsibility made as a condition of being dealt with by an alternative measure are **not admissible** in evidence against that person in any civil or criminal proceedings.

This raises questions about how such protection interacts with:

- the new coercive control offence (s. 264.01); and
- family court proceedings where accurate assessment of family violence and coercive control is essential to safety and best-interest determinations.

Statements made in the context of alternative measures may describe **patterns of coercive control or other abusive conduct**. If these statements are always inadmissible, criminal and family courts may not see the full pattern of behaviour, especially in cases where violence escalates over time.

Inadmissibility of warnings or referrals

Under proposed s. 715.6 (5), evidence that an individual has received a warning or referral; or had no further action taken by police, is **inadmissible to prove prior offending behaviour**.

In cases where violence is **escalating**, previous warnings or referrals may provide important context for assessing risk. If this information is entirely inadmissible, courts and decision-makers may be **unable to see the full pattern** of behaviour.

Recommendation 25: Clarify how protections interact with safety and accountability (alternative measures and warnings)

The Committee should examine whether the protections proposed in clause 59, ss. 715.51 and 715.6 (5) of Bill C-16 are calibrated appropriately. In particular, it should consider:

- if protections are given to the accused, whether similar protections should be given to the victim so their statements are not used against them in civil or criminal proceedings
- whether the protection of admissions for accused in s. 715.51 should allow **limited use** of admissions that are directly relevant to:
    - the new coercive control offence; and
    - family law proceedings where safety and risk assessments require a full understanding of past behaviour
- whether s. 715.6 (5) should continue to bar **all use** of warnings or referrals, especially where doing so may obscure patterns of escalating violence in intimate partner and family contexts.

Any adjustment should be guided by the principle that early, **non-carceral interventions** are valuable, but must not come at the expense of **long-term safety and accountability**.

CONCLUSION

Bill C-16 makes substantial strides toward enhancing **victim protection, recognition and participation** across the criminal justice and correctional systems.

At the same time, the Bill leaves important questions unanswered and some significant gaps in protection for victims. The recommendations in this submission set out **targeted amendments and review mechanisms** that would materially strengthen the Bill's capacity to **protect and empower victims**, while preserving its core objectives and structure.

I respectfully urge the Committee to adopt these amendments so that Bill C-16 truly lives up to its name as the ***Protecting Victims Act***, and so that Parliament gives full effect to victims' rights under the ***Canadian Victims Bill of Rights*** and the ***Canadian Charter of Rights and Freedoms***.