



Understanding and Responding to Coercive Control – Research Project 2021/2022

Presented by

Julie Sarkozi
Practice Director
Law Reform and Education

Acknowledgement of Aboriginal and Torres Strait Islander People



Trigger warning – will be talking about domestic abuse, look after yourself.

- Talk to someone, call a helpline.



Gendered language

Domestic and family violence (DFV) is gendered: most victims/survivors of DFV are women and are more likely than men to experience harms associated with DFV, such as homelessness, injury and death (Australian Bureau of Statistics [ABS], 2017; ANROWS, 2019a; Australian Institute of Health and Welfare, 2019). Men are more likely to perpetrate DFV than women (ABS, 2017).

Overview

- Existing responses to domestic?
- What was happening? What are we missing?
- Research project.
- What did we learn?
- Resources – Fact Sheets.

Definition of Domestic Violence s8

Domestic violence means behaviour by a person towards another person with whom the first person is in a relevant relationship that—

- (a) is **physically** or **sexually** abusive; or
- (b) is **emotionally** or **psychologically** abusive; or
- (c) is **economically** abusive; or
- (d) is **threatening**; or
- (e) is **coercive**; or
- (f) in any other way **controls** or dominates the second person and causes the second person to **fear** for the second person's safety or wellbeing or that of someone else.

Evidence Based High Risk Indicators

<p>Danger times</p> <ul style="list-style-type: none"> <input type="checkbox"/> Separation (recent / imminent) <input type="checkbox"/> Child custody dispute <input type="checkbox"/> Reconciling DV relationship (after separation) <input type="checkbox"/> Victim starts new relationship 	<p>High Risk DV Behaviours</p> <ul style="list-style-type: none"> <input type="checkbox"/> Escalation (severity / frequency) <input type="checkbox"/> Threats to kill (incl suicide) <input type="checkbox"/> Sexual Violence <input type="checkbox"/> Strangulation <input type="checkbox"/> Stalking <input type="checkbox"/> Highly controlling / obsessive / jealous <input type="checkbox"/> Breaches / failure to comply with authority <input type="checkbox"/> Harm to Pets <input type="checkbox"/> Weapons (use / threats/ access) 	<p>Victim Assessment</p> <ul style="list-style-type: none"> <input type="checkbox"/> High fear levels <input type="checkbox"/> Extreme denial /minimisation
<p>Perp Characteristics</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unemployment <input type="checkbox"/> Alcohol / drug use <input type="checkbox"/> Mental illness 		<p>Children</p> <ul style="list-style-type: none"> <input type="checkbox"/> Direct abuse <input type="checkbox"/> Threats to kill <input type="checkbox"/> Exposure to DV <input type="checkbox"/> Step children

Risk of intimate partner homicide

2016 -17 Qld Domestic and Family Violence Death Review and Advisory Board – coercive controlling behaviour was evident in almost all cases.

2008 – 2016 – NSW review of domestic violence homicides found coercive controlling behaviours where evident in 111 out of 112 cases.

In the context of providing specialist domestic violence and family law advice, WLSQ was identifying that there were experiences that victim survivors were describing that were not being identified as domestic violence, by QPS, lawyers, and the survivors themselves.

WLSQ was noticing how the experience of being frightened, isolated and losing independency and self confidence was the context in which other behaviours we recognize as domestic violence occurred.

In other jurisdictions, “on going behaviour”, or “a course of conduct”, that had the impact of isolating, causing fear and undermining a person’s sense of autonomy was being criminalized...

In Scotland, the Domestic Abuse (Scotland) Act 2018, defines domestic abuse as: *Engaging in course of abusive behaviour*

1 Abusive behaviour towards partner or ex-partner

(1) A person commits an offence if—

(a) the person (“A”) engages in a course of behaviour which is abusive of A’s partner or ex-partner (“B”), and

(b) both of the further conditions are met.

(2) The further conditions are—

(a) that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm,

(b) that either—

(i) A intends by the course of behaviour to cause B to suffer physical or psychological harm, or

(ii) A is reckless as to whether the course of behaviour causes B to suffer physical or psychological harm.

(3) In the further conditions, the references to psychological harm include fear, alarm and distress.

2 What constitutes abusive behaviour

(1) Subsections (2) to (4) elaborate on section 1(1) as to A’s behaviour.

(2) Behaviour which is abusive of B includes (in particular)—

(a) behaviour directed at B that is violent, threatening or intimidating,

(b) behaviour directed at B, at a child of B or at another person that either—

(i) has as its purpose (or among its purposes) one or more of the **relevant effects** set out in subsection (3), or

(ii) would be considered by a reasonable person to be likely to have one or more of the relevant effects set out in subsection (3).

(3) The relevant effects are of—

(a) **making B dependent on, or subordinate to, A,**

(b) **isolating B from friends, relatives or other sources of support,**

(c) **controlling, regulating or monitoring B’s day-to-day activities,**

(d) **depriving B of, or restricting B’s, freedom of action,**

(e) **frightening, humiliating, degrading or punishing B.**

(4) In subsection (2)—

(a) in paragraph (a), the reference to violent behaviour includes sexual violence as well as physical violence,

(b) in paragraph (b), the reference to a child is to a person who is under 18 years of age.

In Tasmania, the Family Violence Act 2004:

s9. Emotional abuse or intimidation

- (1) A person must not pursue a **course of conduct** that he or she knows, or ought to know, is likely to have the effect of unreasonably **controlling or intimidating, or causing mental harm, apprehension or fear in**, his or her spouse or partner.

Penalty: Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years.

- (2) In this section—

a course of conduct includes **limiting the freedom of movement** of a person's spouse or partner by means **of threats or intimidation**.

Coercive control is not simply an action within a list of other actions that may constitute DFV, but is the context in which DFV occurs. In more recent years, the idea of “coercive control” has helped to more clearly communicate the perpetration of DFV as a **pattern of harmful behaviour aimed at controlling or regulating a partner’s life and restricting their freedom and autonomy** (see for example Stark, 2007; Tarrant, Tolmie, & Giudice, 2019).

Coercive control causes serious harm to women and their children and is a risk factor for intimate partner homicide.

What is Coercive Control?

“Coercive control is a **course of conduct** aimed at **dominating** and **controlling another** (usually an intimate partner, but can be other family members) and is almost exclusively perpetrated by men against women.”

ANROWS (2021) Defining and responding to coercive control: Policy brief (ANROWS Insights, 01/2021). Sydney: ANROWS.

Coercive Control

“Coercive control is a pattern of deliberate and rational behaviour, designed by one person to control another person within a personal relationship. This is done by causing the victim to fear for their or someone else’s safety”

Justice Margaret McMurdo AC - Women’s Safety and Justice Taskforce

<https://www.youtube.com/watch?v=b5TY58LkZ4Y&t=154s>



WLSQ and NQWLS wanted to:

1. Better understand the prevalence of coercive control clients of WLSQ and NQWLS.

We used a mixed methods approach :—

- a) literature review by the UQ Pro bono Centre,
- b) data collections by the two women's legal services,
- c) 18 interviews with subject matter experts,
- d) 15 interviews with survivors of coercive control.
- e) Research was guided by a reference group of expert domestic and family violence practitioners, lawyers, and an ethical research plan.

2. To learn from Qld women with lived experience of coercive control, including those who have been misidentified as the respondent, about what legal centres can do to safely elicit full disclosure and understanding of their circumstances; supporting them through the court process; and link women to support services to build self-efficacy and address non-legal problems; and

3. To contribute to public policy discussions in Qld by better understanding the prevalence and nature of coercive control in Queensland, and learning from the literature, subject matter experts and survivors what the implications may be for community legal centre demand and practice.

Prevalence of CC and how should it be identified?

In August 2021 – 51% of women identified experiencing coercive control, from WLSQ and 38% from NQWLS. This is believed to be a significant underestimate.

98% co-occurrence of coercive control with physical or sexual violence was reported by clients contacting DV Connect in 2020-21 as part of their crisis intervention.

Survivors told us of:

Constant abuse,
belittling and degradation,
gaslighting, threats,
sleep deprivation,
monitoring and stalking,
technological abuse and surveillance,
jealousy and accusations of cheating,
isolating women from their friends,
family and/or community,
financial abuse,
sexual coercion
and restrictions on access to the tools of independence, such as finances, car, pursuing studies or a phone.

Other elements

- Escalation over time – 20 text messages turning to 70 text
 - Co-occurrence of physical and sexual violence
 - Abuse was perpetrated primarily by an intimate partner (14 out of 15) – one was a sibling.
 - Involvement of the perpetrator's extended family
 - Behaviours described by several women were consistent with the concept of “legal systems abuse’.
-
- *“... so I tried to leave and here I am now, the one the Court say is the perpetrator and him using the Courts to keep me under his power.”*

However, from the literature review, there was no definitive evidence re: benefits of universal screening for domestic and family violence in health care settings, so we are not able to recommend implementation of universal screening or data collection tools. Insights from the UK:

“Safe lives” program developed to provide police training in support of the criminalization of coercive control.

To identify ‘coercive control’ training developed noted the importance of asking people questions about the *impact* of the controlling behaviours, rather than asking people to describe the specific perpetrator behaviours – literature notes that specific coercive controlling behaviours are bespoke to each relationship.

The Safe Lives program provided Police with a range of questions, getting officer to ask two proforma questions that they feel comfortable asking and use it as an opportunity for incidental screening in all policing contexts.

Examples of the questions from which front line responders might choose to use.

- What is the first thing you think of when you get up in the morning?
- Describe what a typical day is like for you?
- Can you tell me what things your husband/ wife/ partner expects you to do?
- Are there things that your husband/ wife/ partner makes you do that you do not want to do?
- How scared to you feel?
- What things do you do to keep yourself safe?
- How often do you see your family and friends?
- Who decides what is done in the family?
- How does your husband/wife/partner react if you disagree with them?

A very clear finding of the WLSQ and NQWLS research report was women identifying high levels of shame and embarrassment about what was happening in their intimate relationships, when coercive control was occurring. This shame and embarrassment was so strong, that workers needed to be careful, providing information and perspective to “plant the seed”.

Possible impact on work practice to identify coercive control

- Using a scene-setting script along the following lines, to reduce feelings of shame or embarrassment about disclosing abuse

Sometimes as people start to go through the legal process, they begin to realise that the behaviour or expectations of their partner actually are not okay. Our clients who have experienced this have told us it has helped to talk to us, the solicitors, about this because sometimes the legal response may need to change to improve their safety: and

This approach should be underpinned by our suggestions to upskill lawyers and intake staff to feel confident to respond appropriately to disclosures of coercive control.

- Asking a question which focusses on the impact of what's happening at home, with a tick box for staff to complete if coercive control is suspected; and
 - a) if disclosure is made, provide an appropriate response including a **warm referral to support services**, and an alert for lawyers to inform their legal advice; or
 - b) if the client doesn't make a disclosure, giving them a checklist of **coercive controlling behaviours to take away and consider**, along with **details of support services**, to "**plant the seed**" in circumstances where someone may be experiencing abuse but can't yet recognise it or talk about it. To make this as accessible as possible, plain English and Easy English versions of information are recommended.

Ensure that providing information to client can not be found by perpetrator.

How can clc's best assist women?

Recommendations for CLC's

- Provide information (video's, pamphlet, posters) about coercive control and available services to plant a seed and assist women to identify if they may be experiencing coercive control – easy and plain English.
- Provide realistic advice about the challenges, of and long haul involved in navigating multiple legal matters and court, frank advice incrementally to avoid deterring women from leaving an abuse situation and pursuing their rights.
- Provide coordinated and ongoing support to navigate multiple legal matters, recognizing the long-term harm and exhaustion of being subject to coercive control and the victim-reliant nature of the justice system.
- Maximise the preventative and early intervention value of duty lawyers.
- Prioritise warm referrals and coordinated supports for women experiencing coercive control, even where women have high levels of capability or are on a high income/ are asset rich. This recognizes that coercive control is a significant risk factor, and the debilitating harm and exhaustion it causes.
- Pursue community legal educations to equip bystanders, allies, family and friends and to ensure non-legal services that support women with legal matters, particularly applications for protection orders, do so accurately.

What is Coercive Control? Amira's story

This is a resource made by Scottish Women's Aid

<https://youtu.be/JnJRiUA29jg>

This could be played in the lounge/ foyer area of the CLC.

A sample poster and checklist for display in waiting rooms.



Are you being abused?:

WAITING ROOM POSTER FOR DENTISTRY – JCU Dentistry project.

Made you feel uncomfortable or afraid?

Put down, humiliated, or made you feel worthless?

Prevented from continuing or starting study, or from going to work?

Has constantly checked up on what you're doing or where you are going?

Has tried to stop you from seeing your own friends or family?

Made you feel afraid to disagree with or say 'no' to them?

Constantly accused you of flirting with others when this isn't true?

Told you how the household finances should be spent, or stop you having any money for yourself?

Made you use your money for all household and joint spending and not share their money?

Stopped you from having medical assistance?

Tried to control you by telling you that you could be deported because of your immigration status?

If you answered yes to any of these questions it may indicate that you are being abused.

Listed 1800 Respect, DV Connect and regional domestic violence service contact details.

DO YOU WORRY YOUR PARTNER WILL REACT?



Stressed, tired and on edge

This is Jane. Jane often feels stressed and tired, even exhausted. She is always on edge. She worries a lot.



A lot of time spent trying to make partner happy

She spends most of her energy making sure her partner is always happy. She spends a lot of time fixing the little things that might annoy her partner.



Scared of how he will react

He is nice to other people, but not at home. Sometimes, she is scared he will break something, or hurt her, the kids, or the dog. Jane is scared because she doesn't know when he will get angry or what he will do.



Feels isolated

Jane thinks it is her fault he gets angry. Maybe he would be happy if she got things right. She doesn't want to be hard on him. He might be sick or perhaps have had a hard day at work. She feels ashamed and does not want to talk to anyone about it.

THIS IS COERCIVE CONTROL.
THIS IS DOMESTIC VIOLENCE.

Coercive control is a pattern of behaviour that aims to dominate or control another person.

Approaches to working with women experiencing coercive control.

CARE model

- **Choice and control** – planting the right seed, providing options, encouragement and support rather than fixing the problem, respecting woman's level of readiness and the complexity of the situation
- **Action and advocacy** – doing more than just listen, without this, women reported feeling abandoned
- **Recognition and understanding** – feeling heard and validated, not rushed or dismissed, this may include naming women's experiences as abuse.
- **Emotional connection** – recognizing the importance of emotional support, feeling kindness and care, having patience with women and providing continuity of care where possible.

What is coercive control?

Coercive control is a **course of conduct** aimed at **dominating or controlling another** and which has the effect of trapping and isolating victims.

Why is it important to understand?

It is common.

It is not widely recognised in the community as a form of domestic violence.

It is not easy for victims to articulate what is happening (unlike if there was physical violence).

It is a risk factor for homicide.

It causes significant harm even after separation.

Is there a single legislative definition?

No.

The Domestic and Family Violence Protection Act 2012 (Qld) definition of domestic violence (s.8) 'means behaviour that is coercive (which 'means compel or force a person to do, or refrain from doing, something') or 'in any way controls or dominates... and causes...the...person to fear for their safety or wellbeing or that of someone else'.

The Commonwealth definition of family violence is broader than the State legislation.

The Family Law Act 1975 (Cth) definition (s.4AB) includes '...other behaviour by a person that coerces or controls...'. There is no legislative definition of 'coerce or control'.

Who perpetrates this?

Usually an intimate partner

In ATSI and CALD communities it may be from family members

What does coercive control look like?

It often develops over time. There may be an intense period of attention and courtship followed by gradual controlling behaviours which increase in severity and frequency over time.

It may include an incident of physical violence but not always.

It may include any combination of these types of behaviours:

- Threats (explicit threats to harm the victim or children, warnings to victims about the perpetrator's capacity to harm)
- Belittling or degradation
- Humiliation
- Menacing or intimidatory behaviours or gestures directed strategically at the victim including angry verbal outbursts, staring, silence, ignoring, withdrawal of affection.
- Monitoring
- Stalking
- Surveillance via mobile phone technologies
- Sexual coercion
- Sleep deprivation
- Jealousy
- Accusations of cheating
- Isolating the victim from friends or family
- Restrictions on leaving the residence
- Requirements to answer calls from the perpetrator for monitoring purposes
- Strangulation or choking or pinning up against a wall around the neck
- Restrictions on access to finance
- Monitoring of finances
- Restrictions on the use of the car
- Restrictions on use of a phone
- Restrictions on pursuing studies
- Restrictions and ridged rules about where the victim can eat or sleep
- Threats or warnings about the ability to cancel a spouse visa or deportation
- Threats or warnings about harm to extended family members
- Threats or warnings about telling community members sensitive information about the victim
- Threat of suicide/self harm

How does the victim often feel?

- under constant pressure
- walking on eggshells
- worried
- on high alert
- anxious
- nervous
- tired
- exhausted
- embarrassed
- ashamed
- blames self
- makes excuses for the perpetrator

What can I do about this?

In the early stages:

- **Be aware** that the victim may not have the words to easily articulate what is happening
- Treat the victim with **kindness** and **without judgment**
- **Provide concise targeted resources** to clients to plant the seed and assist them to identify that they may be experiencing coercive control
- **But take care not to overwhelm** clients with too many brochures or referrals

When speaking with a client:

- Try **not to rush** them
- Victims value **kindness, acknowledgment** and **feeling believed**
- **Ask questions about the impact of the behaviours** as clients may find this easier to articulate than specific abusive behaviours.

Ask one question from this menu:

- Can you tell me what a typical day is like for you?
- Can you tell me what things your partner expects you to do?
- What things do you do to keep yourself safe?
- How often do you see your family and friends?
- How does your partner react if you disagree with them?
- Are there things that happen at home that scare you?
- How is this relationship different from any of your previous relationships?
- Are there things that your partner makes you do that you do not want to do

What can I do about this? (cont.)

Identify for clients that what they are experiencing is coercive control and is a form of domestic violence

Give **realistic and frank advice**. Explain the limitations of the current legislation and systems, inform them of the length and challenges in the legal processes they face, and inform them that it will be up to them to take the action and work it through. There may be some legal or social supports but it is unlikely to be throughout or consistent.

- Undertake a **risk assessment** – refer to the [National Risk Assessment Principles](#) and the [Lethality/High-Risk factors reference guide \(ANROWS\)](#)
- Provide (or organise for) **safety planning** – link them with your [local DV Service](#)
- **Coordinate the supports for victims**. Victims identified that they were already stressed with their situation and it was overwhelming to have to contact another service that they had been referred to. Offer to make the connection for them rather than suggesting they do it.
- **Make fewer and targeted referrals** (victims are already overwhelmed)
- Make referrals to **quality services** that you trust (victims have limited energy and poor services will retraumatize victims)
- Advise victims about the importance of **collecting evidence** (and how to do that safely)

At court:

- **Duty lawyers should proactively make themselves known at courts** and maximise their value on the day by providing other referrals and information. Victims identified that duty lawyers were extremely valuable and were pivotal.

As a service:

- **Prioritise warm referrals and coordinate supports for victims**, even when the victim has high levels of capability or financial resources.
- **Provide coordinated and ongoing support** to assist victims to navigate the multiple legal systems.
- Prioritise assistance for people who have been **misidentified as the respondent** in domestic violence matters. Victims that are misidentified are already under enormous stress and they are vulnerable to consenting to orders being made against them to finalise the pressure of the court case, but this then makes them even more vulnerable to coercive control.

What legal remedies are there?

Domestic violence Protection Orders – the Magistrates Courts can grant protective orders under s.37 of the Domestic and Family Violence Protection Act 2012 (Qld).

An application can be made by Police or by the victim.

The application is available as a PDF or via an online form which is then printed.

If the controlling behaviours are not the types that are listed in s.8(1)(a)(b)(c) or (d), then:

- it may be hard for the victim to complete the application using the online form – they will be better at completing the PDF.

- they must provide detail to show that:

- there was BEHAVIOUR that FORCED THEM TO DO SOMETHING or not do something (s.8(1)(e)); or
- there was BEHAVIOUR that CONTROLLED OR DOMINATED them and caused them to FEAR FOR THEIR SAFETY OR WELLBEING or someone else's (s.8(1)(f)).

If relying on s.8(1)(e) you must include information that demonstrates:

- what the victim was forced to do or what the victim was forced to not do AND
- how the victim felt forced
- why they felt forced (i.e., what things had been done by the perpetrator to make them feel that way.)

If relying on s.8(1)(f) you must include information that demonstrates:

- what behaviours the perpetrator used
- how the victim felt
- what were they fearful of
- who they were fearful for

What legal remedies are there? (cont.)

Family Law Injunctions – the Family Court can grant injunctions under s.68B of the Family Law Act 1975 (Cth) that is appropriate for the welfare of a child.

You can request (and the court has power to order) an injunction:

- for the personal protection of a child
- for the personal protection of a parent or carer
- restraining a person from entering the child's residence or school/daycare/kindy
- restraining a person from entering the parent or carer's residence or workplace
- any other injunction that is appropriate for the welfare of the child

Questions?