

**Submission  
No 14**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

**Name:** Name suppressed

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Partially  
Confidential

## **Response to Coercive Control Discussion Paper – October 2020.**

I thank you for the opportunity to provide my responses to your discussion paper. I respond as a survivor of family domestic violence (FDV); both as a witness as a child growing up, and also having experienced coercive control in intimate relationships as an adult. My hope in writing this submission and sharing my experience is that Legislation will be adapted to protect others from the turmoil, trauma and impact that coercive control has on people's lives.

Please note whilst this submission recalls examples from my experience, in writing this submission I have connected with beautiful souls who I have met during my recovery, who have been through similar. This submission is from all of us.

Throughout this submission I have referred to victim/survivor, this is to respect the experience of others who have experienced abuse and coercive control, who may be at different levels of recovery from the abuse, where they might identify as either a victim or a survivor.

I am happy for this submission to be made public; however, I ask that my full name be suppressed referring to me only as 'Hayley B'.

### **1. What would be an appropriate definition of coercive control?**

#### ***Long term patterns and range and types of abusive behaviours***

It is important when considering a definition there is inclusion of the mention of long-term patterns, as well as the range and types of abusive behaviours (e.g., physical, psychological, emotional or financial). Coercive control is not necessarily a one-off overt event, rather it is ongoing, can be subtle and continued in various forms; for days, weeks, months and also years.

#### ***Include reference to humiliating and degrading behaviours***

Whilst the paper references motives which include behaviours to 'exert power, control or manipulate,' the paper does not mention humiliation or degradation, which equally can cause detrimental damage to a victim/survivor. For 3 years I was subjected to predatory and derogatory acts by my then partner, the acts not only satisfied his need for control, but also had a sinister motive to shame and humiliate me. In being subjected to this behaviour, I felt too much shame to reach out for support, the humiliation made me feel no one would take me seriously, and I also felt too damaged to leave the relationship fearing no one else would ever want to 'be with someone like me'. It is important that the definition includes reference to humiliation and degradation as a motive for behaviours.

### ***Include reference to coercive control also occurring when a relationship has ended***

The definition should include recognition that coercive control can occur both during and after a relationship has ended. Point 2.1 makes reference to 'domination and control over the other party to a relationship', but does not make reference to a relationship that has ended. On ending a relationship, a perpetrator can feel loss of control and power and so behaviours escalate; this is evidenced from the Queensland example of Hannah Clarke, whose ex-husband's behaviours continued and escalated after the relationship had ended, which resulted in Hannah and her children losing their lives.

### ***Need for definition or clarification of terms mentioned***

Important in any definition is to have explicit definitions of any terms referred to. As an example, in my advocacy in writing about my abuse I have been surprised by the number of people who are not aware of such terms as gaslighting. Without such understanding, these acts can continue to go unnoticed and so unreported. In worst-case scenarios a person's experience could also be dismissed where the reporting party does not understand the abuse.

I suggest a glossary be added to the Legislation and any framework/reports/education/information providing explicit definitions of terms referred to.

## **2. How should it distinguish between behaviours that may be present in ordinary relationships with those that taken together form a pattern of abuse?**

For this response I will refer to 'healthy' relationship rather than 'ordinary'. Whilst I am aware the consultation paper has concerns about the Legislation criminalising behaviours that might be culturally acceptable or agreements within a relationship, there is a clear distinction between healthy (ordinary) and abusive relationships.

Where a relationship becomes 'unhealthy' and coercive control exists is where there is an imbalance of power, which can lead to behaviours that are done to degrade, manipulate or control a person. The NSW Government DFV 2014 definition highlights where a relationship is abusive where *'causing a person to live in fear and is usually manifested as part of a pattern of controlling or coercive behaviour'*.

An important distinction to also consider is that of consent, where a person agrees knowingly to a behaviour or something occurring; consenting without coercion or manipulation. For example, a person might ask a partner to manage the family finances, this is done with consent, this would not be done with a motive to control or limit the person. Coercive control would exist where a partner monitors/limits spending without the person's consent, and is done in a way that is controlling.

- 3. Does existing criminal and civil law provide the police and courts with sufficient powers to address domestic violence, including non-physical and physical forms of abuse?**
- 4. Could the current framework be improved to better address patterns of coercive and controlling behaviour? How?**

I will provide a joint response to questions 3 and 4.

Sufficient powers are only useful if Police and Courts have a commitment to and are aware of the importance of such protections. Police and Courts need to be trauma informed, recognising the impacts that coercive control can have on victims and survivors.

In the media there has been frequent examples where Police have not followed up on complaints or dismissed them.

Unfortunately, my experience with the NSW Police has not been positive. I once reported a threat of violence against me. I was told 'the person was probably just having a bad day' and that the person likely wouldn't have acted physically toward me'. This was said to me by a male officer who was bigger and stronger than me. The comment invalidated me, did not protect me and as a consequence has made me lack trust in the NSW Police.

I hope the framework emphasises the important of Police and Courts being trauma informed to validate rather than dismiss a victim/survivor's experience.

- 5. Does the law currently provide adequate ways for courts to receive evidence of coercive and controlling behaviour in civil and criminal proceedings?**
- 6. Does the law currently allow evidence of coercive control to be adequately taken into account in sentence proceedings?**

Point 5.3 of the consultation paper which covers civil proceedings refers to 'the court must be satisfied that the PINOP has reasonable grounds to fear, and does fear, that they will be subjected to a domestic violence event by the defendant'.

Whilst the statement is extremely important, I want to raise awareness of the complexity of coercive control, where behaviours may not result in a perpetrator committing a 'domestic violence event'. As was my experience, the violence did not escalate, however the psychological abuse did, at times things actually seemed to improve, which made me stay longer in the relationship. This reflects the cycle of abuse where there may be building tension, which leads to an incident, followed by reconciliation and then a period of calm.

If Legislation focused solely on 'fear of a domestic violence event occurring', it would not account for the complexity of coercive control, where 'events' are likely multiple, and range in severity. The cycle and range in severity can then lead to ambiguity in a victim/survivor, where they might not fear the next event, hopeful that things will improve or that it 'won't happen again'

I recommend that policy writers consider ways to amend wording to not focus on a single domestic violence event rather, multiple events and the cycle that can occur with coercive control.

## **7. What are the advantages and/or disadvantages of creating an offence of coercive control**

### **Advantages**

**Closure, justice and validation for victims/survivors** – Coercive control has psychological impacts on victims/survivors. Where a survivor has experienced gaslighting, the perpetrator may have lied and manipulated a victim/survivor's understanding of events. For nearly 3 years I was told I was 'crazy' and was accused of making things up, this led to an emotional breakdown where I lost trust in myself and my reality.

Important in a victim/survivor's recovery is the need for validation and acknowledgement of the severity of what has happened and the impact it has had on their life. By criminal charges being laid against a perpetrator, a victim/survivor has the opportunity to experience justice as closure to continue rebuilding their lives.

**Support for third parties impacted** – I support point 7.5 which recognises the psychological impact coercive control can have on third parties including children. Having grown up in a FDV environment I have lived experience of the psychological harm that is caused in such volatile environments. Without support, there is risk, as with myself that the child can go on to experience abusive relationships as an adult, or in worst case scenarios become a perpetrator of violence their selves. It is crucial that third parties (including children) receive the support they need.

**Referral of perpetrators to social service programs** - Perpetrators of coercive control have often experienced some form of trauma, neglect or abandonment in their lives and as a result act out in coercive and controlling ways. There is the opportunity for Judges in sentencing to require a perpetrator to engage in rehabilitation and psychological support to address the root causes of their abusive behaviours.

### **Disadvantages**

**Lack of education and awareness in the community re coercive control and its associated behaviours.**

Without awareness behaviours can go unreported, or a victim/survivor may not understand that what they are going through is abusive.

Growing up I witnessed FDV and was not taught about abuse, it is not surprising that at age 21 years old I entered an abusive relationship. In that abusive relationship, I didn't recognise the abuse that was happening to me, as I had thought that was how relationships were; abuse was the norm for me. I was unable to identify that I was living in constant fear,

instead I thought my reactions were me overreacting, anxious and 'crazy'. It wasn't until 2 years ago when I was 35 (12 years later) in therapy that I realised the extent of the abuse I endured.

Awareness and education need to be multifaceted where people receive consistent messaging about coercive control throughout their life, and through various forms including in schools, universities, in the community, religious places and also in the media. Important is that the responsibility should not be put on families to share this education and awareness; as my story identifies it was my family whom I learnt that abuse was normal.

### ***The psychological impact of coercive control/doubting reality/feeling the victim is the perpetrator***

Reporting coercive control is complex; the discussion should recognise that victims/survivors may have experienced years of psychological abuse where a person has been manipulated to doubt their reality.

Often a perpetrator will also project their guilt onto the victim/survivor attributing blame onto that person. The result can be a false identify and perception of self, where the victim/survivor may feel they are the one to blame and feel guilty for what is happening. I want policy writers to try to understand the complexity we experience; despite me being the person who was victimised, physically, sexually and emotionally abused, I feared I would be the one arrested if ever the Police were called, because he made me believe I was the 'bad one', I was the cause and reason he acted out.

### ***Fear of not being believed***

The discussion should also acknowledge victims/survivors may feel too frightened to report or seek support, fearing they will not be believed. This can occur from experiencing gaslighting where our realities have been manipulated and so we may question our realities and also have difficulty recalling events. If we were to look to press charges, there then comes the fear of being cross examined by the Defence, in a 'my story versus his' situation. After having already suffered from their control and power over us, we are then in a position where we have to stand up in court against them and go against the very power dynamic which had such a control over us; it's terrifying.

### ***Inability to recall/provide evidence of historical abuse***

Relating to my above points it was 12 years after being subjected to coercive control that I finally sought professional support, where I was then made aware what I had experienced was abuse. It would be impossible for me to access enough proof to be able to pursue justice against the perpetrator of the coercive control I experienced.

**9. If an offence of coercive control were introduced in NSW, how should the scope of the offence be defined, what behaviours should it include and what other factors should be taken into account.**

Having experienced coercive control, my preference is for an open category of behaviour recognising the unique and complex experiences of coercive control, where each person's experience will be different.

Reporting instances of abuse can and is already difficult for victims and survivors; it would be devastating to think of a Legislation with a closed list of behaviours where a victim/survivor's experience may not be viewed as a criminal act if it didn't 'fit' into a list. Further, an open list would minimise outdated of the Legislation where different forms of abuse which are emerging could be covered, which may not have previously been on a 'list'. The age and adaptation of technology is an example where coercive control can now be done over different social platforms.

I support the recognition of intention and impact, which would be beneficial to victims and survivors where there would be less onus to provide evidence of the behaviours they have experienced. As identified at point 6.14 of the discussion paper the re-victimisation of victims and survivors needs to be taken into account when considering the scope.

**10. What non-legislative activities are needed to improve the identification and response to coercive and controlling behaviours both within the criminal justice system and more broadly?**

***Increased funding for specialist support for victims and survivors***

Domestic violence services are already overstretched, strained and experiencing lack of funding. Victims/survivors need access to specialist, trauma informed services and support, without being on long waitlists. The support should not only be for the psychological injuries caused, but address psychosocial needs including accommodation, financial support etc.

***Long term supports for victims and survivors***

The trauma experienced by victims and survivors does not resolve once the crisis is over, and so victims/survivors should be able to access specialised trauma informed support and counselling for as long as they need. As my experience shows 16 years on from my coercive control, I am still living with complex trauma, those who have experienced coercive control should not have to foot the financial burden of long-term therapy which was caused at the hands of the perpetrator.

***Victims and survivors should be involved in the development of any policies, services, tailored training and resources***

The experiences of victims and survivors should be included in all aspects of development from planning, design, implementation and evaluation. It allows victims/survivors to have a

say in how we would like authorities to respond to our experience and generates insights that those who have not experienced abuse may miss. Where possible victims/survivors should be invited to co-produce and facilitate training, it allows those who haven't experienced abuse to hear first-hand what it might be like for a person. A benefit for victims/survivors is a sense of providing meaning to our experience, where our lived experience can help others.

***Community education and training needs to be in accessible formats***

Women with disability report higher rates of sexual and family violence, it is therefore important that any training and education is provided in accessible formats to respond to the unique communication styles of people with disability.

To respond to people from culturally and linguistically diverse and non-English speaking backgrounds, information should not only be translated, but programs using bi-lingual community educators should be used. This recognises the low literacy and education levels that may be experienced by people from different communities. An added benefit of using bi-lingual community educators is that they can help dispel any distrust of authority figures that can occur in CALD communities, particularly in people who have sought refuge from countries where there is corruption within government and police departments.

I am happy to be contacted by the Committee should you wish to further discuss my responses further or attend any focus groups relating to this inquiry.