

**Submission
No 71**

COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS

Organisation: Youth Action

Date Received: 29 January 2021



Ensuring the inclusion of young people's voices in the response to Domestic and Family Violence:



Youth Action's submission for the Inquiry into Coercive Control in Domestic Relationships

Acknowledgment of Country

Youth Action acknowledges the Traditional Custodians of Country throughout Australia and understands that sovereignty was never ceded. Our office is located upon the land of the Gadigal people and we recognise their traditional and ongoing Custodianship and pay our respects to Elders past, present and emerging.



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About Youth Action

Youth Action is the peak organisation representing young people and the services that support them in NSW. Our work helps build the capacity of young people, youth workers and youth services, and we advocate for positive change on issues affecting these groups.

It is the role of Youth Action to:

- Respond to social and political agendas relating to young people and the youth service sector.
- Provide proactive leadership and advocacy to shape the agenda on issues affecting young people and youth services.
- Collaborate on issues that affect young people and youth workers.
- Promote a positive profile in the media and the community of young people and youth services.
- Build capacity for young people to speak out and act on issues that affect them.
- Enhance the capacity of the youth service sector to provide high quality services.
- Ensure Youth Action's organisational development, efficiency, effectiveness and good governance.
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Introduction

Youth Action welcomes the opportunity to make this submission to the Joint Select Committee on Coercive Control for their inquiry into coercive control in domestic relationships.

Youth Action refers the Committee to the submissions of Women's Safety NSW and Domestic Violence NSW, whom we support, regarding the introduction of a Coercive Control offence here in NSW.

In making recommendations for change on behalf of young people, Youth Action's submission focuses upon young people's experience of Coercive Control and the non-legislative responses which should occur prior to, or alongside, the creation of a Coercive Control offence. This most closely aligns to question 15 of the Discussion Paper, being "what non-legislative activities are needed to improve the identification of and response to coercive and controlling behaviours both within the criminal justice system and more broadly?" (NSW Government 2020, p. 38). Our submission intermittently addresses the advantages of creating a coercive control offence, as per question 15 of the Discussion Paper, "what are the advantages and/or disadvantages of creating an offence of coercive control?" (NSW Government 2020, p. 38).

Summary of Recommendations

Youth Action recommends that the Committee:

- Acknowledge the serious impacts Coercive Control has upon young people, including as primary victims/survivors. Young people's voices must contribute to police, justice and non-government responses to Domestic and Family Violence (DFV).
- Develops an education campaign on Coercive Control which can be launched in NSW schools and through the media. This should encourage healthy and respectful relationships; help young people to identify DFV and access support services; and, combat stereotypes and stigma.

Research Process

Youth Action conducted primary research through a survey to elevate the voices of young people in the context of DFV. This research had a dual purpose. Firstly, this was to generate qualitative and quantitative insight into the experience of young people in NSW in relation to DFV. Secondly, it sought to identify young people in NSW with a lived experience of DFV who would be interested in participating in our DFV Advisory Group which would further inform the policy and advocacy work of Youth Action.

While 63 respondents accessed the survey, 49 respondents were within the eligible demographics. This was likely the result of the screening processes and safety mechanisms put in place. 8 respondent expressed interest for the DFV Advisory Group. Respondents differed in the number of questions they answered in the survey. They were between 16-24 years old and came from all NSW Local Health Districts. The research included young people who were Aboriginal and/or Torres Strait Islander, Culturally and Linguistically Diverse, LGBTIQ+, from rural or remote areas, living with a disability and those with caring responsibilities.

Conversations about DFV utilised a trauma-informed approach and clearly articulated the support available to survivors. We consulted the expertise of other organisations when designing this research. In addition, guidance was sought from the “Framework for the engagement of people with a lived experience in program implementation and research” produced by the Australian National University (Suomi, Freeman & Banfield 2020). A range of support services were displayed to all respondents and the survey displayed a safety exit button. All questions were optional except those capturing demographics.

The survey was conducted using SurveyMonkey and was primarily distributed through partner organisations, Youth Action’s social media and targeted posts in Facebook groups frequented by young people, based on the individual page’s purpose and geographic specificity.

Experience of Young People

Youth Action encourages further consultation with young people in the creation of a coercive control offence and with respect to responses to DFV generally. Children and young people experience DFV, including coercive control, as primary victims/survivors. For this reason, it is important to recognise that within DFV contexts young people are not merely extensions of their parents or caregivers. Unfortunately to date, consideration of the impact of coercive control upon young people has been lacking, in turn diminishing their experience.

Coercive Control has serious impacts upon young people, whether directed at them, or in their presence. Research supports that the effects of coercive control are cumulative, and the experience of coercive control is often similar for children and adults (Katz et al 2020). It's impact leaves young people "feeling confused and afraid, living constrained lives, and being entrapped and harmed by the perpetrator" (Katz et al 2020, p. 310). Despite challenges which must be overcome to successfully implement an offence of coercive control in NSW, there will be clear benefits to victims/survivors of DFV, particularly those subject to "high levels of psychological control but where there is no overt physical abuse" (Tolmie 2018, p. 52). The creation of an offence criminalising coercive control would send a strong message to the community condemning DFV.

Young people in marginalised groups are particularly at risk. It is important for any approach to address the variation in young people's experience of coercive control. Research commissioned by Equality Australia identified that young LGBTIQ+ Australians under the age of 25 are 4 times more likely to experience DFV than LGBTIQ+ Australians aged 25 or older (Gibson et al 2020, p. 22). 55% of these LGBTIQ+ young people "lived with others who did not know about their sexuality" and 72% lived "exclusively with their families of origin" (Gibson et al 2020, p. 22). Young Aboriginal and/or Torres Strait Islander people are significantly more likely to experience DFV than the non-Indigenous population (Closing the Gap Clearinghouse 2016).

Youth Action encourages further consultation with Indigenous communities to ensure that any approach to Coercive Control encompasses the impact of spiritual and cultural abuse. "Spiritual and cultural violence" has been recognised by the Queensland Government in responses to DFV (2018, p. 7).

"[A coercive control offence] will also teach our younger generation what is an acceptable behaviour, and that the law stands firm in the health and safety of our people. If children grow up with this behaviour and it is accepted by the law, how can we teach our children that it is not the way to do things or get what you want"

- Female / 18-24 / Western Sydney & Nepean Blue Mountains

“The positive of coercive control being criminalised is that victims are able to report emotional abuse that is just as valid as physical abuse... enabl[ing] victims to report subtle, yet impactful, forms of abuse without being disparaged. On the other hand, due to pre-existing hesitation surrounding police involvement, this may not be a measure that helps victims to feel safer. Some victims may question, if the legal system has already let down so many victims of domestic violence, why would the implementation of this measure have a meaningful impact? It has to be a prerequisite that police receive appropriate formal training and are able to spot the signs. A system like this could also be prone to discrimination. A code of conduct has to be implemented so that all victims are treated the same regardless of gender, sexual orientation, disability, etc.”

- Female / 16-17 / Sydney, South Eastern Sydney & Northern Sydney

“The impact of coercive control is devastating and has lasting, long life effects... why is [it] okay for people to do this to others and the law do nothing, [this] creates distrust in all systems that are meant to protect and serve the public. I had better hopes and dreams for my children, however due to this abuse and control, my children and myself have suffered terribly”

- Female / 18-24 / Western Sydney & Nepean Blue Mountains

Education and Broader Non-Legislative Changes

Criminalising Coercive Control should form part of a broader approach to shifting attitudes and responses to Domestic and Family Violence. Any future approach to Coercive Control, irrespective of whether this occurs alongside criminalisation, must work to shift community attitudes and empower young people to identify DFV and access DFV services and supports. Youth Action's research identified that 76% of respondents did not learn about DFV in the education system. Young people who did learn about DFV said they were more likely to seek help for DFV and be comfortable talking to their friends about DFV.

The Discussion Paper brought attention to the importance of increased public education and awareness regarding DFV, including coercive control (NSW Government 2020, p. 37). 59% of young people surveyed by Youth Action knew where to get help if they or someone they knew experienced DFV. Future approaches should build upon this, teaching young people what coercive control looks like and what support is available to them.

This level of knowledge arose alongside other concerns about engaging supports. Only 55% of respondents believed they would feel comfortable talking to friends if worried about DFV. Concerns about apprehension and stigma were captured by the following comments:

"I refuse to call hotlines or engage with chatlines because of the real fear of being institutionalised against my will, as the risk of police being called on me for a 'welfare check' is too high"

- Non-binary / 18-24 / Sydney, South Eastern Sydney & Northern Sydney

“Speaking out is a major challenge... in the media often when domestic violence survivors speak out, they are challenged and questioned”

- Female / 18-24 / Illawarra Shoalhaven & Southern NSW

Current momentum presents an opportune moment to shift the public dialogue and understanding of Coercive Control. An awareness campaign around Coercive Control and encompassing DFV more broadly should be taught in the NSW education system and through the media. Young people explained this further in the comments below:

“I believe that young people should be taught the red flags that can be seen as abusive in any relationship whether it be friendship or romantic. I think most people view abuse as physical and don't seem to realise that there are other forms of abuse and should be taught how to identify them. This is something that should be taught in school as it may help decrease the number of people being caught in abusive situations”

- Female / 18-24 / Murrumbidgee, Far West & Western NSW

“Books could illustrate examples, short video presentations that act out common coercive control and what to look out for, and easy to understand knowledge should be shared. As the children grow and step up in learning and age, more detailed and appropriate education should be available. For children that come forward with this in their home or life, should have the support and have access to the steps to keep them safe.

- Female / 18-24 / Western Sydney & Nepean Blue Mountains

The Australian National Research Organisation for Women’s Safety (ANROWS) has recently evaluated the success of R4Respect, a peer-to-peer education program for young people on healthy relationships (Struthers et al 2019). ANROWS found the impact of the program included 84% of young people finding “that having young people lead the learning helped them better understand what is okay and what crosses the line into harm” (Struthers et al 2019, p. 8). Peer-to-peer education or PDHPE curriculum reform are amongst many potential approaches to incorporating coercive control into school-based education.

The majority of young people surveyed by Youth Action were aware of DFV campaigns in the media. 81% of these young people had seen DFV campaigns through traditional media outlets and 71% through social media outlets. The Australian Government’s “Stop it at the Start” is a strong example of a campaign which effectively demonstrated the impact of social attitudes, stereotypes and gender inequality upon attitudes towards, and experiences of, DFV for children and young people (2021).

School and media-based education should form part of a comprehensive approach to dealing with coercive control. This is best equipped to deal with the “disconnect” between criminalisation and insight from social science research considering “how it is perpetrated” (Wiener 2020, p. 160). In comparison to criminalisation alone, such an approach is advantageous due to better addressing the concerns of many people experiencing DFV, including accommodation, finances and access to children (Williams & Walklate 2020, p. 314).

Conclusion

Youth Action recommends to the Committee that future approaches to Coercive Control acknowledge the serious impact it has upon young people, including as primary victims/survivors. Any definition of Coercive Control needs to encompass this. We encourage further consultation with NSW young people so that they can contribute to the future police, justice and non-government responses to DFV.

In addition, Youth Action recommends a comprehensive education campaign on Coercive Control through both the school system and the media. This should seek to improve the ability of young people to identify and respond to DFV including Coercive Control. In addition, this can combat harmful stereotypes and stigma.

Youth Action is aware of, and supports, the consensus of organisations working with people who have a lived experience of DFV. Criminalisation alone is inadequate to respond to the challenges faced by those experiences and there needs to be a range of reforms across government and non-government services.

The NSW Government should approach Coercive Control in a manner inclusive of the experiences of Aboriginal and/or Torres Strait Islander people, culturally and linguistically diverse people, LGBTIQ+ people, people living with a disability and other marginalised groups in our communities.

References

Australian Government 2021, VIOLENCE AGAINST WOMEN. LET'S STOP IT AT THE START, Commonwealth of Australia, viewed 20 January 2021, <<https://www.respect.gov.au/>>.

Closing the Gap Clearinghouse 2016, Family violence prevention programs in Indigenous communities, Australian Institute of Health and Welfare & Australian Institute of Family Studies, viewed 20 January 2021, <<https://www.aihw.gov.au/getmedia/c0e5bdde-e9c4-4a1f-808e-256191835cde/ctgc-rs37.pdf.aspx?inline=true>>.

Gibson, M, Kassisieh, G, Lloyd, A & McCann, B 2020, There's No Safe Place At Home: Domestic and family violence affecting LGBTIQ+ people, Equality Australia & Centre for Family Research and Evaluation, Drummond Street Services, viewed 20 January 2020, <<https://equalityaustralia.org.au/resources/dvreport/>>.

Katz, E 2015, 'Beyond the Physical incident Model: How Children Living with Domestic Violence are Harmed by and Resist Regimes of Coercive Control', *Child Abuse Review*, vol. 25, pp. 46-59.

Katz, E, Nikupeteri, A & Laitinen, M 2020, 'When Coercive Control Continues to Harm Children: Post-Separation Fathering, Stalking and Domestic Violence', *Child Abuse Review*, vol. 29, pp. 310-324.

McMahon, M & McGorrery, P 2017, 'Criminalising emotional abuse, intimidation and economic abuse in the context of family violence: The Tasmanian experience', *University of Tasmania Law Review*, vol. 35, no. 2, pp. 1-22.

NSW Government 2020, Coercive control discussion paper, Department of Communities and Justice (NSW), viewed 20 January 2021, <<http://www.crimeprevention.nsw.gov.au/domesticviolence/Documents/domestic-violence/discussion-paper-coercive-control.pdf>>.

Queensland Government 2018, Domestic and family violence and its relationship to child protection: Practice paper, Department of Child Safety, Youth and Women (Queensland), viewed 25 January 2021, <<https://www.communities.qld.gov.au/resources/childsafety/practice-manual/prac-paper-domestic-violence.pdf>>.

Quilter, J 2020, 'Evaluating Criminalisation as a Strategy in Relation to Non-Physical Family Violence', in M McMahon & P McGorrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law*, Springer: Singapore, pp. 111-131.

Struthers, K, Parmenter, N, & Tilbury, C 2019, Young people as agents of change in preventing violence against women, ANROWS, viewed 20 January 2020, <<https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/Struthers-et-al-2019-Research-Report-R4Respect.pdf>>.

Tolmie, J 2018, 'Coercive control: To criminalize or not to criminalize?', *Criminology & Criminal Justice*, vol. 18, no. 1, pp. 50-66.

Wiener, C 2020, 'From Social Construct to Legal Innovation: The Offence of Controlling or Coercive Behaviour in England and Wales', in M McMahon & P McGorrery (eds), *Criminalising Coercive Control: Family Violence and the Criminal Law*, Springer: Singapore, pp. 159-175.

Williams, L & Walklate, S 2020, 'Policy Responses to Domestic Violence, the Criminalisation Thesis and 'Learning from History'', *The Howard Journal*, vol. 59, no. 3, pp. 305-316.

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