

**Submission  
No 93**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

**Name:** Name suppressed

**Date Received:** 29 January 2021

Partially  
Confidential

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**CONFIDENTIAL**

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29 January 2021

**Submission to the Joint Select Committee on Coercive Control  
in the Parliament of NSW**

I request that my name and all my personal details on this page are kept confidential by the committee and not made available to the public, because I fear for my safety and that of my children should my perpetrators become aware of my submission directly or through others.

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**CONFIDENTIAL**

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29 January 2021

## **Submission to the Joint Select Committee on Coercive Control in the Parliament of NSW**

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I am a victim-survivor of coercive control. I experienced coercive control while in an intimate relationship with my ex-spouse. We were together for approximately 20 years and had several children together. I also experienced coercive control while in another intimate relationship with a partner who I never lived with. We were together for approximately 2 years.

I strongly support the criminalisation of coercive control in NSW.

### **Position Paper from Women's Safety NSW**

I support all of the suggestions in *1.6 Summary of Recommendations* in the *Criminalising Coercive Control Position Paper* issued by Women's Safety NSW on 11 September 2020 and discuss some of those here too.

(Numbering system below refers to the committee's discussion paper.)

### **3.4 Current laws do not adequately cover non-physical violence**

I strongly support extending the definition of domestic abuse (violence) in NSW and a new coercive control offence which will better cover non-physical abuse. I always understood that overt physical violence was abhorrent and unacceptable. I was often intimidated and terrified but never physically injured. So I believed it was my duty to bear any other difficult behaviour (the coercive control) and to do my best to repair the relationship.

When I first sought help from police after 20 years of coercive control, they dismissed me – because I was not physically injured; and because they were ignorant to the complex dynamics of coercive control. Without any support from police, I have made efforts to limit contact and to placate the perpetrator to prevent further abuse. The threat of physical violence is always present.

The current criminal laws in NSW, and the criminal justice sector are out of sync with other laws, government services, private and community organisations, and other communities internationally which do currently recognise many types of non-physical abuse.

### **6.2 Potential benefits of criminalising coercive control - Earlier intervention**

I strongly agree that creating a coercive control offence would enable earlier intervention. But early intervention should not only be seen for its potential to prevent intimate partner homicides. If it was previously an offence and I had therefore received or sought intervention earlier, my children and I might have suffered less psychological injury which still impacts us deeply, years after separation.

#### **6.4 Potential benefits of criminalising coercive control - Rehabilitative programs**

I agree that creating a specific offence may assist with tailoring rehabilitative programs to curb recidivism, and I think support for perpetrators' behaviour change should be an important part of any new legislation to further reduce the impact of coercive control in our community.

#### **6.5 Potential benefits of criminalising coercive control - Message to community**

I agree that creating a specific offence would send a clear message to the community that coercive and controlling behaviour is unacceptable. I believe this would be incredibly helpful in affirming the experiences of victim-survivors, helping them identify the abuse and seek support. This in itself is a significant benefit and will save lives.

#### **6.8 Potential challenges of criminalising coercive control**

In general I believe that the potential risks posed by many of the challenges noted in the discussion paper is much lower than the potential gain for victim-survivors, their children, and perpetrators who need support to change along with being made accountable. The broader community would also benefit from greater openness and knowledge as experiences of coercive control will be shared and understood more widely.

#### **7.6 Course of conduct model of offending**

I believe it is particularly important that the "course of conduct" model of offending is recognised by police and the courts. While this will require significant reform and training, especially for police, I believe it is essential for accurately capturing the extent of coercive controlling behaviour. And I believe that doing so will properly recognise the harm to victim-survivors, will reveal the behaviour and attitudes of perpetrators who need support and intervention, and will deter many others from committing these crimes in the future.

From my experience, the current incident-based model cannot properly capture the insidious, subtle, compounding and devastating patterns of abuse often evident under coercive control. And as a consequence, these crimes are not recognised by laws, police nor the community. Neither are they even recognised by victim-survivors themselves sometimes: I did not recognise for 15 years that I was being subjected to coercive control. My perpetrator often blamed his behaviours on me, and soon I came to blame myself for my partners' behaviour and my own suffering.

#### **7.8 Types of behaviour to be covered**

I believe that the category of behaviour which would be criminalised should be left open, because a perpetrator's tactics are 'bespoke' to each victim-survivor, and the range of possible behaviours is too varied to be strictly defined. Evan Stark's list in the discussion paper is clear, but I think most of those behaviours fit into Biderman's Chart of Coercion (from Amnesty International, *Report on Torture*, Farrar, Strauss, and Giroux, 1973), which covers coercive control in a wider range of situations. Maybe that chart could be used as a starting point for a framework to define the types of behaviour to be covered, or maybe it could help form guidance to accompany the law.

### **7.11 Scope of domestic relationships**

I believe the legislation should use the full scope of domestic relationships currently defined under the NSW CDPV Act. I experienced some of the worst behaviours while I was not living with my perpetrators or soon after the relationship ended (which is proven to be the most dangerous time for victim-survivors), so I feel strongly that the scope of relationships should at least include people in an intimate relationship not living together, and ex-partners.

### **7.14 Objective/subjective standard of proof**

I believe the legislation should rely on an objective standard of proof in relation to the impact on the victim, and rely on a subjective standard of proof in relation to the intent of the offender (similar to the law in Scotland). This would ideally protect victim-survivors from both reliving the trauma and revictimisation. I avoided court proceedings for fear of not being believed, revictimisation or experiencing retaliation from the perpetrator.

### **7.21 Aggravation**

I believe the legislation should account specifically for the harm to third parties, especially children. My children witnessed and learned coercive controlling behaviours from the perpetrator from birth. They have been deeply affected directly, as well as by my reduced parenting due to the effects of the abuse.

### **7.27 Activities supporting a new offence**

I agree we should ensure that thorough systemic reform, training and specialisation is undertaken, to support the law effectively. I strongly believe that the vast majority of the challenges and concerns raised in the discussion paper could be avoided or minimised if thorough expert training and specialisation is implemented prior to and in support of any new law, and provision of greater support services for victim-survivors (including children) through the criminal court system.

### **9.13 Education and awareness-raising with the community**

I agree that new legislation on coercive control should be accompanied by an extensive public awareness campaign. This will help deter offenders and help the entire community to recognise the behaviours.

### **\* Retrospectivity**

I believe the new law should be applied retrospectively to capture a full course of conduct. In my case the behaviour carried on over decades. I believe any victim-survivors involved in a criminal case should be able to make reference to their full relationship history.

Yours sincerely,

Name withheld