

Discussion paper: Criminalising coercive control in South Australia for young people

Introduction

We are seeking your expertise and views about how legislating against coercive control in South Australia will impact young people and how we can most effectively support young people in this space. This paper provides a brief overview of the research and the key issues raised through previous consultation with South Australian stakeholders about the proposed legislation over 2022.

Seeking your input

In order for legislation to be effective, targeted information and education campaigns must be undertaken to reach specific groups. A set of questions is included in this discussion paper for you to consider in your thinking and views on this topic.

Please be aware that the content in this document may be distressing or raise issues of concern for some readers. There are a range of services available if you require support after reading this paper. Lifeline provide 24/7 crisis support and can be contacted on 131 114. Beyond Blue also provide support services and can be contacted on 1300 224 636. Confidential information, counselling and support services can also be accessed through 1800RESPECT.

What is coercive control?

Coercive control, as a broad definition, refers to an ongoing pattern of controlling and coercive behaviours that may include physical, sexual, psychological, financial and/or emotional abuse and intimidation. It is not a single act of violence, but a broader pattern of abusive behaviours used to dominate and control a person over time. Anybody can be a victim of family and domestic violence, and anyone can be a perpetrator. The vast majority of victims are women, and most perpetrators are men – this is particularly so in relation to coercive control. Perpetrators use tactics such as isolating the victim-survivor from their friends and family, tracking their movements, and controlling their access to money, where they go and what they wear, who they speak to, and whether they work.

For younger people specifically, coercive control might look like excessive jealousy, repeated criticism and sexual coercion. If your partner is checking your phone, constantly tracking your whereabouts, getting upset when you spend time away from them, or often turning up unannounced to surprise you, [you may be experiencing coercively control](#). Other examples might look like your partner publicly humiliating or belittling you then claiming it's a 'joke', being pressured to do things sexually that you are not comfortable with or being pressured into sending nude pictures or videos.

Technology facilitated abuse may also be more relevant for young people, which might look like demanding access to a person's phone and social media accounts, restricting who a

partner can be ‘friends’ with, what kinds of photos they can post, tracking their locations, reading private messages, and – particularly after relationships end – setting up fake profiles to continue to monitor their movements and activity. Accessing a partner’s social media is increasingly normalised amongst young people today, making it difficult to recognise or call it out as abusive behaviour. [Youth workers in Tasmania](#) expressed concern that they were seeing boys aged 13 – 14 exhibiting behaviours such as forcing their girlfriends to hand over their devices, demanding to know who they were messaging, and threatening to smash their phones.

If you do not feel safe and comfortable in your relationship, if you feel that you are ‘going crazy’ or feel confused and afraid, then it is abuse – not love.

Fundamentally, coercive control is about power, and the motivator is for a perpetrator to gain power and control and exert dominance over a victim-survivor. Coercive control can have a devastating impact on a victim’s identity, their physical health and social and emotional wellbeing, and their connection with friends, family and culture.

Questions

1. How do we define coercive control for young people?
 - a) What can it look like?
 - b) What are the ways a young person can be coercively controlled?
 - c) Is coercive control something that is recognised and understood by young people?
 - d) What types of terms or language is used to describe this type of violence?

Why is South Australia legislating to criminalise coercive control?

Currently coercive control is not a specific criminal offence in South Australia. There are strong reasons to criminalise coercive control.

Firstly, it is important to note that **coercive control can predict future intimate partner homicide**. According to research by [the NSW Domestic Violence Death Review Team](#), coercive controlling behaviours were a feature in 99% of domestic homicides in Australia between June 2008 and July 2016 – meaning out of 112 incidents of intimate partner homicide, coercive control was a feature of every relationship except one. A number of these cases did not have any evident history of physical violence. According to [Our Watch](#), in Australia on average one woman per week is murdered by her current or former partner. Homicide can often be the first act of physical violence in this type of abusive relationship, which is why it is so important that everyone recognises coercive control for what it is – a particularly insidious, highly dangerous form of family and domestic violence.

Secondly, and very much related to the point above, as highlighted by [Women’s Safety NSW](#) it is important to recognise the gravity of this behaviour in the eyes of the law. **Legislating against coercive control in South Australia is a way to improve the legal system’s response to all forms of family and domestic violence.** The South Australian Government wants the law to accurately reflect the experiences of victim-survivors and hold perpetrators accountable for the abuse they inflict on their partners. This includes a commitment to inclusive, culturally safe and responsive implementation to protect victim-survivors who

come forward. Legislation will assist the justice system to meet community expectations in this respect and enable the prosecution of perpetrators. It will also give police the ability to intervene and stop offenders using criminal charges, without needing to wait for abuse to escalate into physical violence. **Criminalising coercive control will affirm community understanding that it is unacceptable behaviour.**

Media and awareness raising

We know that young people are aware of family and domestic violence campaigns in mainstream and social media. A strong example is the Australian Government's 'Stop it at the Start' campaign, which demonstrated the impact of social attitudes, stereotypes and gender inequality as it relates to domestic and family violence for young people.

Questions

2. Have you or the young people you work with received education about respectful relationships? In what environment – school, clubs, sports?
3. What is useful? What could have been done better?

To prevent coercive control and family and domestic violence more broadly a substantial ongoing commitment is needed to address gendered drivers of family and domestic violence – this is called 'primary prevention'. This involves changing the social attitudes, structures and conditions that can influence a person's use of coercive control or enable the community to excuse this behaviour. This includes gender inequality and other forms of inequality and discrimination. Examples of primary prevention initiatives include education programs on respectful relationships and consent to improve understanding of the gendered drivers of violence against women and girls and enable early identification of these behaviours. Evidence-based primary prevention initiatives are needed to stop coercive control before it starts.

Questions

4. Can you identify these types of behaviours when you see them, in real life or in media? Where do you see this messaging?
5. How can we counteract this harmful messaging, or stop it spreading?
6. How does government get the message across that this type of behaviour is dangerous and abusive?

What does the research tell us?

Establishing and maintaining romantic relationships is an important developmental task that [begins in adolescence](#). During this time, teenagers begin to form their adult identity by making sense of themselves in a larger societal context.

Family and domestic violence is experienced at high rates

Family and domestic violence is experienced by women and girls of all ages, but it has a particular impact on and is [more prevalent](#) among younger women. [The statistics](#) around family and domestic violence in Australia continue to be alarming, with younger women

(aged 18 – 34) experiencing significantly higher rates of physical and sexual violence (12%) than women in older age groups (4.7%).

Data from the United States indicates that [40% of people aged 14 – 21](#) experience psychological or emotional abuse from a current or former partner.

While current prevalence of teen family and domestic violence in Australia is unknown, we do know that [in Australia](#):

- 1 in 6 women have experienced abuse before the age of 15
- 1 in 3 young people presenting alone to homelessness services have experienced family and domestic violence
- 1 in 4 young people think its normal for guys to pressure girls into sex
- 1 in 5 students have been sexually harassed in a university setting
- 1 in 3 women aged 18 – 24 have experienced sexual harassment
- 1 in 4 young girls don't think its serious when guys insult or verbally harass girls in the street
- 1 in 3 young people don't think controlling someone is a form of violence.

Some [studies](#) have found that girls are more likely to report experiencing more severe forms of violence in their adolescent relationships than the adult population, and that boys are more likely to be involved in more severe perpetration. Interestingly, there are differences in reported motivations for physical abuse between boys and girls. Both genders report anger as the primary motivator for violence, but girls are more likely to report self-defence as a motivator, and boys report a **need for control**. Additionally, girls are more likely to suffer long-term consequences of this violence than boys.

We know that some young people struggle to recognise abusive behaviours, are unsure of where to find support, and may not receive the necessary support when they seek it. Research highlights that that some young people struggle to recognise abusive behaviours, are unsure of where to find support, and may not receive the necessary support when they seek it.

Adverse effects of family and domestic violence on children and young people

We know that family and domestic violence has a serious impact on children and young people. Notably, [research shows that](#) children who witness family and domestic violence in their homes experience mental health issues similar in intensity and magnitude to children who are 'direct victims' of abuse themselves. Children who grow up in violent households may exhibit a number of adverse behaviours and emotions, including developmental delays, violence, suicidal ideation, addiction issues, eating issues, self-harm, anxiety and depression.

Young people who are not exposed to healthy, respectful relationships in their home are often less able to identify coercive control within their own relationships.

When young people who are victim-survivors are misidentified by police as the perpetrator, this can lead to unfair and inaccurate legal consequences. Further, this can create distrust of police and their ability to protect young people, which in turn may create hesitancy to call the police during or following an incident.

Questions

7. What barriers to accessing services have you, or members of your community, seen or experienced? What do we need to know about these barriers?
8. What do you believe are effective communication channels to provide information about available support services?

We know that women and girls are most commonly the victims of family and domestic violence and coercive control. Among this group, some specific cohorts experience domestic and family violence at higher rates – for example, Aboriginal girls and women, girls and women from multicultural communities, LGBTIQ+ people, and girls and women with disability.

We know these communities are likely to have issues accessing the information and services they need.

Questions

9. Are you aware of any barriers that might prevent women from diverse backgrounds seeking help for family and domestic violence?

Your contribution

What we know is that for legislation to be effective, targeted information and education campaigns must be undertaken to reach specific groups, including young people. This process must also involve extensive education and training for first responders, police and the justice system, to understand the nuanced issues experienced by peoples and their communities. We must ensure that responses to coercive control is equitable, appropriate and effective.

Your input into this process is highly valued and greatly appreciated.

Resources and further information

- Attorney-General's Department (2021) [Discussion Paper: Implementation considerations should coercive control be legislated in South Australia.](#)
- Australian Institute of Family Studies (2022), [The Power in Understanding Patterns of Coercive Control \(webinar\).](#)
- Australia's National Research Organisation for Women's Safety. (2021). [Defining and responding to coercive control: Policy brief](#) (ANROWS Insights, 01/2021). Sydney: ANROWS.
- Australian Women Against Violence Alliance (2021) [Criminalisation of Coercive Control Issues Paper.](#)
- Embolden (September 2021), [Position Paper on Coercive Control and the Law in South Australia.](#)
- Hobbs, C. (2022). [Young, in love and in danger: Teen domestic violence and abuse in Tasmania. \(Research report\).](#) Social Action and Research Centre, Anglicare Tasmania.
- Maturi, J and Munro, M (2020) [Should Australia criminalise coercive control? Fighting domestic violence and unintended consequences,](#) Asia & The Pacific Policy Society.
- Nancarrow, H., Thomas, K., Ringland, V., & Modini, T. (2020). [Accurately identifying the "person most in need of protection" in domestic and family violence law](#) (Research report, 23/2020). Sydney: ANROWS.
- No To Violence (2019). [Predominant Aggressor Identification and Victim Misidentification.](#)
- Renfrewshire Early Action System Change (2020), [How can we prevent coercive control within adolescent relationships and improve emotional wellbeing? Reflections from 500+ young people and families across Renfrewshire.](#)
- Wolbers H et al. (2022). [Sexual harassment, aggression and violence victimisation among mobile dating app and website users in Australia.](#) Research Report no. 25. Canberra: Australian Institute of Criminology.
- Women's Legal Service Victoria (2020), [Policy Brief: Justice system response to coercive control.](#)
- Women's Safety and Justice Taskforce (2021) Hear her voice, Report 1, [Addressing coercive control and domestic and family violence in Queensland.](#)
- Women's Safety NSW (2021) [submission to the NSW Joint Select Committee on Coercive Control in Domestic Relationships.](#)