

Criminalising coercive control in South Australia – Engagement with the LGBTIQ+ community

A summary of initial consultations

On 1 February 2023 the Department of Human Services (DHS) held an engagement session with representatives of the LGBTIQ+ community, and organisations representing or working with the LGBTIQ+ community to discuss their views about criminalising coercive control and the implications of this legislation once it takes effect. Participants were predominantly engaged in provision of government services, working in the non-government family and domestic violence (FDV) sector, and/or had lived experience of violence themselves.

Prior to the session, participants were provided with discussion paper – Criminalising coercive control in South Australia – implications for the LGBTIQ+ community. This paper provides a definition of coercive control, explains the unintended consequences that legislation may have and asks a number of questions for participants to consider.

This is a summary of the key themes and issues raised by participants.

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Understanding amongst the LGBTIQ+ community of coercive control and how it presents in their relationships

Participants agreed that when FDV or coercive control is being discussed that more inclusive language needs to be used. The statement that 'most victims are women, and most perpetrators are men', while statistically correct, unintentionally positions cis gender people as the norm. This can position the LGBTIQ+ community as 'outside' of the FDV discussion. However, it was also agreed that the vast majority of FDV incidents occur between cis men and cis women in heteronormative relationships.

The 'F' in FDV was discussed as being quite different in the context of LGBTIQ+ relationships, as family violence is experienced by young people within their biological family. This violence can look like not having their gender affirmed, being forced to change their bodies or adhere to certain expressions of gender. This experience of violence can lead them to believe that violence is normal within intimate relationships, and something to be expected, or 'deserved'.

'Outing' someone was raised as a perpetrator tactic, which was described as one of the worst things you can do to a partner, or threaten to do to a partner.

Participants also discussed that LGBTIQ+ relationship structure specifically can be different to a heteronormative understanding. Coercive control can present differently in this context because the relationship may not be monogamous or cohabiting. It was raised that services have difficulty viewing these types of relationships as intimate partner relationships in the context of FDV.

The risk of parental alienation when one parent is not the biological parent was raised as a systemic issue and one that causes significant anxiety for the non-biological parent in particular, a fear that can be used to control someone.

Prevalence of FDV in the LGBTIQ+ community

Participants responded to this question with a resounding 'yes' – but considered that 'prevalent' was somewhat of a loaded word, in that it insinuates that FDV is more prevalent in the LGBTIQ+ community than in the heteronormative community. Participants had the view that LGBTIQ+ people are more likely to experience violence, but that they are not more likely to perpetrate it. There is a lack of research into FDV in the LGBTIQ+ community so while there is no data to support the consensus that FDV is prevalent, all participants agreed that they have personal anecdotal evidence to suggest that it is.

A key point raised was that FDV within same-sex relationships is more likely to be dismissed as a 'dispute between housemates', and something not needing intervention because there is no obvious gendered power imbalance. Violence in a relationship between two men might be dismissed because the victim-survivor is considered to be physically able to 'stand up for themselves'.

The prevalence of young LGBTIQ+ relationships being with older people was also raised as an issue and a risk factor for coercive control. The need for appropriate, available supports was raised to help young people embrace their identity and reduce the risk of being told that 'nobody else will love you' or that there is nobody else who is LGBTIQ+ to pursue a relationship with.

Understanding of non-physical forms of violence within the LGBTIQ+ community

Participants strongly agreed that non-physical forms of violence are not recognised as FDV in their experience, but that this is also true in heteronormative relationships. There was general consensus that young people in particular are being exposed to harmful behaviours and beliefs on social media which is leading them to consider controlling behaviours as a sign of love – for example, checking someone's phone or forcing them to delete friends online.

Participants were strongly supportive of coercive control being broadly recognised and responded to by justice and police systems. The current risk assessment tool was raised as not able to recognise non-physical forms of abuse and that systems can often see the problem as resulting from mental illness, rather than being FDV.

The need for appropriate and available services was raised – but the lack of knowledge about existing services was also raised, and that people needed to know what is out there in order to access them.

Effective education measures and communication channels

Participants agreed that explicit education campaigns are required that clearly demonstrate family and domestic violence in varying contexts, not campaigns that are abstract or allude to violence but don't actually show it.

It was agreed that education campaigns will need to actively counteract the harmful messaging of some popular reality television shows that normalise jealousy, toxic behaviour and red flags.

Effective communication channels suggested include the back of toilet doors, poster campaigns and websites and brochures that are actively displayed, particularly in regional areas. Other suggestions including dating apps like Tinder, such as a recent campaign by 1800RESPECT on the platform. Investing in Tik Tok advertisements was raised as being crucial, due to the numbers of young people who are obtaining their information from this platform in particular. The importance of disseminating information in multiple languages and visibility was also emphasised.

Barriers to obtaining services and support in South Australia

The gendered system of support was of concern to all participants, who stressed the difficulty in obtaining a service as a non-binary person. Participants shared that many services require the victim-survivor to declare themselves either male or female, and that misnaming or misgendering is common. The importance of a service's reputation was emphasised – LGBTIQ+ people will often avoid a service if someone from the community has had a negative experience. Services must build trust and rapport. The added difficulty that LGBTIQ+ people from culturally and linguistically diverse (CALD) backgrounds experience in accessing services was also raised as an issue.

Mainstream services can become more accessible to the LGBTIQ+ community with comprehensive education and training that is ongoing, with workforce development, policy change and publicity statements that confirm accessibility.

Accreditation such as 'Rainbow Tick' was described as being important but that it was cost-prohibitive for many organisations, particularly when re-accreditation is required on a regular basis.

The importance of perpetrator intervention and rehabilitation programs was also emphasised, with the need for an LGBTIQ+ specific service as an additional measure.

Improvements to ensure better responses for victim-survivors of coercive control

The importance of services having the skills to educate someone about their experience, through a nuanced understanding of the many ways coercive control can manifest was raised. Victim-survivors need to be able to come to a service and be believed, and understand that what is happening to them is real, and not imagined.

The importance of trauma-informed supports that are accessible and available was raised, as well as the relative lack of therapists and psychologists who have an understanding of queer relationships.

The need for services specific to Aboriginal LGBTIQ+ people, or LGBTIQ+ people with disability, and a recognition of the additional risk that intersectionality creates was also highlighted.