

## What is coercive control?

Coercive control is a **course of conduct** aimed at **dominating or controlling another** and which has the effect of trapping and isolating victims.

## Why is it important to understand?

It is common.

It is not widely recognised in the community as a form of domestic violence.

It is not easy for victims to articulate what is happening (unlike if there was physical violence).

It is a risk factor for homicide.

It causes significant harm even after separation.

## Is there a single legislative definition?

No.

The Domestic and Family Violence Protection Act 2012 (Qld) definition of domestic violence (s.8) 'means behaviour that is coercive (which 'means compel or force a person to do, or refrain from doing, something') or 'in any way controls or dominates... and causes...the...person to fear for their safety or wellbeing or that of someone else'.

The Commonwealth definition of family violence is broader than the State legislation.

The Family Law Act 1975 (Cth) definition (s.4AB) includes '...other behaviour by a person that coerces or controls...'. There is no legislative definition of 'coerce or control'.

## Who perpetrates this?

Usually an intimate partner

In ATSI and CALD communities it may be from family members

## What does coercive control look like?

It often develops over time. There may be an intense period of attention and courtship followed by gradual controlling behaviours which increase in severity and frequency over time.

It may include an incident of physical violence but not always.

It may include any combination of these types of behaviours:

- Threats (explicit threats to harm the victim or children, warnings to victims about the perpetrator's capacity to harm)
- Belittling or degradation
- Humiliation
- Menacing or intimidatory behaviours or gestures directed strategically at the victim including angry verbal outbursts, staring, silence, ignoring, withdrawal of affection.
- Monitoring
- Stalking
- Surveillance via mobile phone technologies
- Sexual coercion
- Sleep deprivation
- Jealousy
- Accusations of cheating
- Isolating the victim from friends or family
- Restrictions on leaving the residence
- Requirements to answer calls from the perpetrator for monitoring purposes
- Strangulation or choking or pinning up against a wall around the neck
- Restrictions on access to finance
- Monitoring of finances
- Restrictions on the use of the car
- Restrictions on use of a phone
- Restrictions on pursuing studies
- Restrictions and ridged rules about where the victim can eat or sleep
- Threats or warnings about the ability to cancel a spouse visa or deportation
- Threats or warnings about harm to extended family members
- Threats or warnings about telling community members sensitive information about the victim
- Threat of suicide/self harm

## How does the victim often feel?

- under constant pressure
- walking on eggshells
- worried
- on high alert
- anxious
- nervous
- tired
- exhausted
- embarrassed
- ashamed
- blames self
- makes excuses for the perpetrator

## What can I do about this?

In the early stages:

- **Be aware** that the victim may not have the words to easily articulate what is happening
- Treat the victim with **kindness** and **without judgment**
- **Provide concise targeted resources to clients** to plant the seed and assist them to identify that they may be experiencing coercive control
- But **take care not to overwhelm** clients with too many brochures or referrals

When speaking with a client:

- Try **not to rush** them
- Victims value **kindness, acknowledgment** and feeling **believed**
- **Ask questions about the impact of the behaviours** as clients may find this easier to articulate than specific abusive behaviours.

Ask one question from this menu:

- Can you tell me what a typical day is like for you?
- Can you tell me what things your partner expects you to do?
- What things do you do to keep yourself safe?
- How often do you see your family and friends?
- How does your partner react if you disagree with them?
- Are there things that happen at home that scare you?
- How is this relationship different from any of your previous relationships?
- Are there things that your partner makes you do that you do not want to do

## What can I do about this? (cont.)

**Identify for clients** that what they are experiencing is coercive control and is a form of domestic violence

Give **realistic and frank advice**. Explain the limitations of the current legislation and systems, inform them of the length and challenges in the legal processes they face, and inform them that it will be up to them to take the action and work it through. There may be some legal or social supports but it is unlikely to be throughout or consistent.

- Undertake a **risk assessment** – refer to the [National Risk Assessment Principles](#) and the [Lethality/High-Risk factors reference guide \(ANROWS\)](#).
- Provide (or organise for) **safety planning** – link them with your [local DV Service](#)
- **Coordinate the supports for victims**. Victims identified that they were already stressed with their situation and it was overwhelming to have to contact another service that they had been referred to. Offer to make the connection for them rather than suggesting they do it.
- **Make fewer and targeted referrals** (victims are already overwhelmed)
- Make referrals to **quality services** that you trust (victims have limited energy and poor services will retraumatize victims)
- Advise victims about the importance of **collecting evidence** (and how to do that safely)

At court:

- **Duty lawyers should proactively make themselves known at courts** and maximise their value on the day by providing other referrals and information. Victims identified that duty lawyers were extremely valuable and were pivotal.

As a service:

- **Prioritise warm referrals and coordinate supports for victims**, even when the victim has high levels of capability or financial resources.
- **Provide coordinated and ongoing support** to assist victims to navigate the multiple legal systems.
- Prioritise assistance for people who have been **misidentified as the respondent** in domestic violence matters. Victims that are misidentified are already under enormous stress and they are vulnerable to consenting to orders being made against them to finalise the pressure of the court case, but this then makes them even more vulnerable to coercive control.

## What legal remedies are there?

**Domestic violence Protection Orders** – the Magistrates Courts can grant protective orders under s.37 of the Domestic and Family Violence Protection Act 2012 (Qld).

An application can be made by Police or by the victim.

The application is available as a PDF or via an online form which is then printed.

If the controlling behaviours are not the types that are listed in s.8(1)(a)(b)(c) or (d), then:

- it may be hard for the victim to complete the application using the online form – they will be better at completing the PDF.

- they must provide detail to show that:

- there was BEHAVIOUR that FORCED THEM TO DO SOMETHING or not do something (s.8(1)(e)); or
- there was BEHAVIOUR that CONTROLLED OR DOMINATED them and caused them to FEAR FOR THEIR SAFETY OR WELLBEING or someone else's (s.8(1)(f)).

If relying on s.8(1)(e) you must include information that demonstrates:

- what the victim was forced to do or what the victim was forced to not do AND
- how the victim felt forced
- why they felt forced (i.e., what things had been done by the perpetrator to make them feel that way.)

If relying on s.8(1)(f) you must include information that demonstrates:

- what behaviours the perpetrator used
- how the victim felt
- what were they fearful of
- who they were fearful for

## What legal remedies are there? (cont.)

**Family Law Injunctions** – the Family Court can grant injunctions under s.68B of the Family Law Act 1975 (Cth) that is appropriate for the welfare of a child.

You can request (and the court has power to order) an injunction:

- for the personal protection of a child
- for the personal protection of a parent or carer
- restraining a person from entering the child's residence or school/daycare/kindy
- restraining a person from entering the parent or carer's residence or workplace
- any other injunction that is appropriate for the welfare of the child