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The criminalisation of coercive control: A national study of victim-survivors' views on the need for, benefits, risks and impacts of criminalisation

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Acronyms and abbreviations

DFV	domestic and family violence
DFSV	domestic, family and sexual violence
DSS	Department of Social Services
DV	domestic violence
IPV	intimate partner violence
RCFV	Royal Commission into Family Violence



Abstract

Violence against women is a national crisis in Australia. In recent years, there has been a reckoning on the inadequacy of legal responses to violence against women broadly, and coercive control specifically. Numerous commissions of inquiry have revealed the myriad ways in which current police and court responses to intimate partner violence (IPV) are failing to meet the needs of victim-survivors. A critical focus has formed on the need for states and territories to introduce a standalone offence of coercive control.

This study represents the first in-depth national examination of victim-survivors' views on the benefits, risks and impacts of the criminalisation of coercive control. Specifically, it presents findings from 130 in-depth interviews conducted with female victim-survivors of coercive control from across Australia. Centring the views of victim-survivors, this report explores the reasons why the majority of victim-survivors who participated in this study supported the criminalisation of coercive control, their views on perpetrator accountability and the punishment of people who used coercive control, and the often-shared recognition among victim-survivors of the limits of criminalisation and the harms of the criminal legal system.

In a rapidly changing legal landscape where numerous Australian states and territories are committing to future reform, the findings from this project are vital to ensuring that the objectives of criminalisation are achieved in those states that do move to introduce standalone criminal offences of coercive control. Regardless of the approach to criminalisation adopted in each jurisdiction, the project findings are relevant to all Australian states and territories, and to comparable international jurisdictions.



Executive summary

In 2015, violence against women was declared a national emergency in Australia. In the decade that has followed, there has been unprecedented political attention placed on the need to examine and reform responses to all forms of domestic, family and sexual violence (DFSV), at both the national and state levels across Australia. In 2022, the Australian Government, in partnership with each state and territory, launched the National Plan to End Violence against Women and Children 2022–2032, a 10-year strategy that aims to eliminate gender-based violence in one generation through increased commitment across prevention, early intervention, response and recovery (Department of Social Services (DSS) 2022).

More recently, in September 2023, the Australian Government and state and territory governments released the National Principles to Address Coercive Control in Family and Domestic Violence (National Principles). The National Principles outline a shared understanding of coercive control and its impacts, and provide guiding considerations to inform effective responses (Attorney-General’s Department 2023).

Central to recent debates has been a reckoning on the inadequacy of legal responses to violence against women broadly, and coercive control specifically. Numerous commissions of inquiry have revealed the myriad ways in which current police and court responses to intimate partner violence (IPV) are failing to meet the needs of victim-survivors. These inquiries, alongside the voices of individual victim-survivor advocates and the media, and in the wake of high-profile killings of women, have fuelled a national debate across Australia on the need for states and territories to introduce a standalone criminal offence of coercive control. Such an offence has been positioned as critical to improving women’s safety and securing more effective system responses.

Following the introduction of specific criminal offences for coercive and controlling behaviours in other international jurisdictions, including in England and Wales, Scotland and Northern Ireland, significant pressure has emerged in Australia as to whether the criminal law should be reformed to better capture the pattern of physical and non-physical forms of abuse experienced in the context of an intimate partner relationship. This project focused specifically on this question and this study offers the first national examination of female victim-survivors’ views on the criminalisation of coercive control.

Research objectives

This study represents the first in-depth national examination of victim-survivors' views on the benefits, risks and impacts of the criminalisation of coercive control. Recognising the often-fraught relationship between women victim-survivors and the court system, and the ways in which reforms have long been introduced based on assumptions of what victim-survivors want to meet their safety and justice needs, this report places the experiences and views of victim-survivors at the forefront. In doing so, it provides the first detailed national account of victim-survivors' views on their support for criminalisation of coercive control, what it may achieve in terms of improved outcomes for victim-survivors and greater accountability of perpetrators, and the lingering risks of using criminal legal system responses to improve outcomes for victim-survivors of IPV.

This report presents findings from 130 in-depth interviews conducted with female victim-survivors of coercive control in an IPV context from across Australia, and seeks to:

- document victim-survivors' views on proposals to criminalise coercive control, including an examination of the views of victim-survivors from diverse communities;
- provide new insight into the views of victim-survivors on the role of law, including their views on the benefits of criminalising coercive control, perceived risks, as well as the (potential) impacts of criminalisation on justice and safety outcomes for them;
- document their experiences of current responses when reporting different forms of coercive control victimisation to identify strengths and weaknesses in current responses, training and education needs, and service gaps; and
- make policy and practice recommendations to improve criminal justice and service system responses to coercive control across Australia.

This report provides timely new insights and evidence on factors viewed by victim-survivors as critical to safe legal implementation. Importantly, in seeking to explore a breadth and depth of views on this topic, this study seeks to move beyond dichotomous understandings of support for and opposition to criminalisation by exploring both the benefits and risks of criminalisation from the lived experience perspective.

Research findings

For a number of victim-survivors the criminalisation of coercive control was heralded as a key turning point with the potential to improve the safety of women and children. Overwhelmingly, victim-survivors interviewed for this research expressed in-principle support for the criminalisation of coercive control as a standalone criminal offence. This coalesced around three key themes: providing validation for victim-survivors that this behaviour is not acceptable, providing recognition of the severity of coercive control, and ensuring the law is better able to recognise the full spectrum of abuse experienced beyond identifying and responding to individual incidents of harm. The study explores four key outcomes or benefits of criminalisation anticipated by victim-survivors:

- raising community awareness;
- increasing victim-survivor safety;
- improving police responses; and
- increasing access to justice for victim-survivors.

For many victim-survivors their understanding of the benefits of criminalisation lay in their trust that it would be effectively embedded and resourced across a whole-of-system response. This point is critical to understanding how these project findings, and the views of those with lived experience, should be used to inform effective implementation of coercive control laws for those jurisdictions pursuing criminalisation.

This study also examines victim-survivors' views on criminalisation as a tool to deter perpetrators of coercive control, and criminalisation as a tool to hold perpetrators to account. Closely related to victim-survivors' reflections on the punishment of people who use coercive control was a caution expressed by some victim-survivors on the consequential punishment of already over-criminalised communities. In particular, a number of victim-survivors interviewed acknowledged that the criminalisation of coercive control would likely have disproportionate impacts on First Nations communities, as well as other diverse communities across Australia that have historically experienced disproportionate attention from, and fraught relations with, the police and the criminal legal system.

This study also found a shared recognition among victim-survivors of the limits of criminalisation and the potential harms of the justice system's response to different forms of DFSV. Five key themes emerged from victim-survivors' views on the limits of the law, including their questioning of the adequacy of existing laws, distrust of police and fears of 'misidentification', the often shared perspective that police are not well equipped at present to respond to coercive control, reflections on the trauma of engaging with the criminal court process, and recognition of the challenges for victim-survivors in proving coercive and controlling behaviours to the requisite criminal law standard of proof.

Regardless of whether victim-survivors were in support of, or opposed to, the criminalisation of coercive control, there was an overwhelming agreement across the interviews that historical and current responses to domestic and family violence (DFV) are failing to meet the safety and justice needs of victim-survivors. Across all the interviews victim-survivors described feelings of being let down by the system, ignored and silenced through police and court responses, and being unable to access support services. In reflecting on the ability of the law to hold perpetrators to account and to deter future offending, victim-survivors recognised the importance of consistent legal responses and consequences. For some this equated to punishment of the perpetrator through punitive criminal law sanctions; however, for many the symbolic function of the law was focused on for its potential to set a new community standard concerning what is acceptable and unacceptable behaviour in the context of an intimate partner relationship.

Policy and practice implications

Understanding the complexities of victim-survivors' views on criminalisation is critical to safe implementation for those jurisdictions that proceed to criminalise coercive control. Specifically, alongside the introduction of a new offence, our findings highlight the need for system accountability and support, including:

- enhanced community awareness and education initiatives to improve understandings of coercive control across the community, and to better support early intervention and victim-survivors' help-seeking efforts;
- the development of a suite of perpetrator interventions, beyond criminal law responses, to ensure people who use coercive control are held to account and deterred from future offending;
- the need for significant training on coercive control for all professionals working within the criminal legal system, particularly police and magistrates, as well as across the domestic, family and sexual violence sector, to ensure safe implementation of a coercive control offence;
- the need to examine how the court system will safely accommodate the experiences of victim-survivors of coercive control to reduce victim-blaming and retraumatisation in court responses to domestic, family and sexual violence; and
- the need for a substantive increase in resources to support the safe implementation of any new offence for any Australian states and territories that progress implementation.

As several states and territories have moved to criminalise coercive control in recent years, for some victim-survivors who oppose criminalisation there was a feeling of being invisible or unheard in public reform conversations. This report seeks to hold space for all viewpoints in its exploration of views on the criminalisation of coercive control, and, in doing so, explore the complex nature of perceptions and beliefs held by Australian victim-survivors on the benefits and risks of criminalisation. The resulting findings encourage a focus on *how* safe implementation can be achieved and what broader reforms should accompany it.

These findings largely align with the National Principles, which all Australian governments have agreed should be embedded in any legal responses to coercive control. For example, the National Principles recognise the need to improve societal understanding of coercive control and the importance of embedding lived experience in efforts to address this issue (Attorney-General's Department 2023).

As Australia embarks on delivering the National Plan (DSS 2022), including the ambitious goal of ending gender-based violence in one generation, the range of viewpoints expressed by victim-survivors throughout this report highlights the importance of wholesale reform spanning prevention, early intervention, response and recovery. Focusing on a single point of the system response or a single piece of legislation will not deliver the transformation needed to tackle Australia's national crisis of violence against women.



Introduction

In 2015, violence against women was declared a national emergency in Australia. In the decade that has followed there has been unprecedented political attention placed on the need to examine and reform responses to all forms of domestic, family and sexual violence (DFSV), at both the national and state levels across Australia. In 2022, the Australian Government, in partnership with each state and territory, launched the National Plan to End Violence against Women and Children 2022–2032 (DSS 2022), a 10-year strategy that aims to eliminate gender-based violence in one generation through increased commitment across prevention, early intervention, response and recovery.

More recently, in September 2023, the Australian Government and state and territory governments released the National Principles to Address Coercive Control in Family and Domestic Violence (National Principles). The National Principles outline a shared understanding of coercive control and its impacts, and provide guiding considerations to inform effective responses (Attorney-General’s Department 2023). Over 400 stakeholders provided feedback during public consultation on the draft National Principles, with almost a third self-identifying as victim-survivors of coercive control.

Central to recent debates has been a reckoning on the inadequacy of legal responses to violence against women broadly, and coercive control specifically. Numerous commissions of inquiry have revealed the myriad ways in which current police and court responses to intimate partner violence (IPV) are failing to meet the needs of victim-survivors (House of Representatives Standing Committee on Social Policy and Legal Affairs 2021; RCFV 2016; Special Taskforce on Domestic and Family Violence in Queensland 2015; Women’s Safety and Justice Taskforce 2021). These inquiries, alongside the advocacy of individual victim-survivors and the media, and in the wake of high-profile killings of women, have fuelled a national debate across Australia on the need for states and territories to introduce a standalone offence of coercive control. Such an offence, it has been argued, is critical to improving women’s safety and securing more effective system responses.

Following the introduction of specific criminal offences for coercive and controlling behaviours in other international jurisdictions, including in England and Wales, Scotland and Northern Ireland, significant pressure has emerged in Australia as to whether the criminal law should be reformed to better capture the pattern of physical and non-physical forms of abusive behaviour experienced in the context of an abusive intimate partner relationship. It is on this question that this study is specifically focused, and this study offers the first national examination

of female victim-survivors' views on the criminalisation of coercive control. Importantly, in seeking to explore a breadth and depth of views on this topic, this study seeks to move beyond dichotomous understandings of support for and opposition to criminalisation by exploring both the benefits and risks of criminalisation from the lived experience perspective.

In doing so, this report provides timely new insights and evidence on the factors viewed by victim-survivors as critical to safe legal implementation. In a rapidly changing legal landscape where numerous Australian states and territories are committing to future reform, these viewpoints are integral to ensuring the objectives of criminalisation are achieved in those states that do move to introduce standalone criminal offences of coercive control.

At the time of writing, at least three Australian states are in the process of implementing an offence of coercive control. In November 2022, the NSW Parliament passed the *Crimes Legislation Amendment (Coercive Control) Act 2022*. The new offence came into effect in July 2024 and carries a maximum penalty of up to seven years imprisonment. The Act criminalises coercive control in current and former intimate partner relationships, and states that:

1. An adult commits an offence if—
 - a. the adult engages in a course of conduct against another person that consists of abusive behaviour, and
 - b. the adult and other person are or were intimate partners, and
 - c. the adult intends the course of conduct to coerce or control the other person, and
 - d. a reasonable person would consider the course of conduct would be likely, in all the circumstances, to cause any or all of the following, whether or not the fear or impact is in fact caused—
 - i. fear that violence will be used against the other person or another person, or
 - ii. a serious adverse impact on the capacity of the other person to engage in some or all of the person's ordinary day-to-day activities.

In Queensland, the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023 (Qld) passed parliament in March 2024. The Bill introduces a new offence of coercive control and applies to conduct where:

- the person is in a domestic relationship with another person;
- the person engages in a course of conduct against the other person that consists of domestic violence occurring on more than one occasion;
- the person intends the course of conduct to coerce or control the other person; and
- the course of conduct would, in all the circumstances, be reasonably likely to cause the other person harm (with 'harm' defined in the Bill to mean any detrimental effect on the person's physical, emotional, financial, psychological or mental wellbeing, whether temporary or permanent) (Queensland Government 2024).

The offence will carry a maximum penalty of 14 years imprisonment. The South Australian Government has also committed to criminalising coercive control.

What is coercive control?

Coercive control has been conceptualised as both a type of DFV (Johnson 2008; Kuennen 2014) and as a lens through which DFV—particularly IPV—can be understood (Stark & Hester 2019). The National Principles recognise coercive control as almost always being an underpinning dynamic of family and domestic violence. Coercive control involves perpetrators using patterns of abusive behaviours over time in a way that creates fear and denies liberty and autonomy. People who use coercive control may use physical or non-physical abusive behaviours, or a combination of both (Attorney-General's Department 2023).

Stark (2007: 5) describes coercive control as 'a course of calculated, malevolent conduct deployed almost exclusively by men to dominate individual women by interweaving repeated physical abuse with three equally important tactics: intimidation, isolation, and control'. Stark's conceptualisation builds on themes of patriarchy, power and control, long observed by feminist researchers of violence against women (Babcock et al. 1993; Dobash & Dobash 1979; Schechter 1982). Stark locates coercive control in a human rights framework, arguing that 'the primary harm abusive men inflict is political, not physical, and reflects the deprivation of rights and resources that are critical to personhood and citizenship' (Stark 2007: 5).

Coercive control is a gendered phenomenon in that it is overwhelmingly perpetrated by men against women in heterosexual relationships (Anderson 2009; Attorney-General's Department 2023; Dobash & Dobash 1992; Johnson 2008; Myhill 2015; Stark 2007). Evidence highlights that coercive control can and does occur in other relationship contexts, such as in same-gender relationships; however, gender remains as a critical underpinning explanatory factor (Donovan & Barnes 2020). It is not just that women are the predominant victim-survivors of coercive control that makes it gendered; it is also the fact that coercive control is carried out in gendered ways and fundamentally relies on gendered structures and norms. Stark (2007) identifies structural gender inequality as the foundation of coercive control and suggests that the perpetration of coercive control by men is, in part, a response and resistance to increased gender equality (eg increasing rights and autonomy of women), with perpetrators attempting, through coercion, to maintain women's subordinated positions in traditionally feminised roles, such as mothers, homemakers and sexual objects (Anderson 2009). Structural gender inequality also provides a lens for understanding why women, generally, do not or cannot wield the same type of power over their male partners (Anderson 2009). Indeed, while women's perpetration of DFV has been a site of contention in the gender symmetry debate (see Johnson 2008), an ever-growing body of research has highlighted that when women are identified as perpetrators, it is often due to their use of force in the context of self-defence, retaliation or trying (but often failing) to regain control in a relationship (Dasgupta 2002; Larance et al. 2019; Larance & Miller 2017).

Stark (2007) highlights that tactics of isolation, intimidation and control are employed repeatedly by perpetrators of coercive control in ways uniquely tailored to the victim-survivor. The subtlety with which the perpetrator engages in these behaviours renders the abuse largely invisible to outsiders. While the abuse is unique to the specific relationship, the three pillars (isolation, intimidation and control) commonly manifest in a range of behaviours including

but not limited to psychological/emotional abuse, financial/economic abuse, social isolation, stalking and surveillance, physical violence and sexual violence (Attorney-General's Department 2023; Boxall & Morgan 2021; Crossman et al. 2016; Hamberger et al. 2017; Sanders 2015; Stark 2007; Vella et al. 2017). Tactics have also taken new forms as society changes. For example, technology has become a further vehicle for perpetrators to commit coercive control (Dragiewicz et al. 2018; Woodlock et al. 2020). Similarly, with the increased criminalisation of DFV, perpetrators are taking opportunities to weaponise the criminal legal system against the victim-survivor (Douglas 2018).

For example, the coronial inquiry into the killing of Hannah Clarke—who was killed by her estranged husband at the same time as her three children Aaliyah, Laianah and Trey—documented the significant history of coercive control that preceded the end of their relationship and her death (Bentley 2022). Coercive and controlling behaviours documented in the relationship included the following:

At the beginning of their relationship Hannah went on a cruise with a friend. She told her mother that Baxter was not happy about her going away and contacted her constantly while she was on the cruise. (Bentley 2022: paragraph 37)

Shortly after they started living together Baxter told Hannah that she could not wear shorts, short skirts or the colour pink. She could wear a bikini on the beach but not off the beach. They shared a joint Facebook page as Baxter did not allow Hannah to have her own. (Bentley 2022: paragraph 38)

He [Baxter] openly criticised her [Hannah's] mother in front of her and her brother. He made it difficult for Hannah to spend time with her parents. Baxter stopped Hannah and her children attending weekly family barbeques at the Clarkes' house. (Bentley 2022: paragraph 40)

It is likely that he [Baxter] had a listening device in their house and one in her [Hannah's] car as he revealed to her knowledge of conversations she had in those places when he was not present. (Bentley 2022: paragraph 59)

Hannah told her mother that Baxter checked her phone in the middle of the night when she was asleep. When she woke up one night and asked him what he was doing he threw the phone across the room, breaking the screen. She started to think he was tracking her phone and listening to her phone calls as he had questioned why she had phoned certain people. (Bentley 2022: paragraph 62)

Baxter became suspicious that Hannah was having a relationship with Mr D. After she was speaking to him on the phone one evening Baxter 'went ballistic' and accused her of having an affair with him. (Bentley 2022: paragraph 63)

Coercive and controlling behaviours work to create a state of entrapment for the victim-survivor, who knows that resistance or attempts to leave the relationship will be met with punishment and likely escalation of violence (Hamberger et al. 2017). The experience of being entrapped and living in a state of constant fear and hypervigilance has detrimental

impacts on victim-survivors' mental and physical health. Studies have reported high levels of post-traumatic stress disorder, sleep disorders, depression, anxiety, and physical disability among victim-survivors of coercive control (Dillon et al. 2013; Vella et al. 2017). These impacts are often felt long after the violence ceases (Crossman et al. 2016). Coercive control also has significant financial impacts, especially where financial abuse has formed part of the behaviours used to control the victim-survivor (Adams & Beeble 2019). Evidence of coercive control is present in almost all intimate femicide cases in Australia and beyond (Tyson 2020), demonstrating that, despite the subtlety of the violence, it is an important risk factor for lethal violence.

Project aims


Given the highly gendered nature of coercive control, the study component presented here sought to examine the experiences of and views on coercive control among female victim-survivors. This report draws on the second phase of a larger project examining victim-survivors' views of coercive control. Phase one (funded by the Monash Gender and Family Violence Prevention Centre, Monash University) used a national survey to capture the views and experiences of victim-survivors in a national sample of 1,261 victim-survivors of coercive control (see Reeves et al. 2021; Fitz-Gibbon et al. 2023).

Phase two (partially funded under the Criminology Research Grant program) used in-depth interviews with 170 victim-survivors of coercive control across Australia. This sample included 130 participants identifying as female. It is the female participant data we draw on here.

In doing so, we aim to:

- document victim-survivors' views on proposals to criminalise coercive control, including an examination of the views of victim-survivors from diverse communities;
- provide new insights into the views of victim-survivors on the role of law, including their views on the benefits of criminalising coercive control, the perceived risks, as well as the (potential) impacts of criminalisation on justice and safety outcomes for them;
- document their experiences of current responses when reporting different forms of coercive control victimisation to identify strengths and weaknesses in current responses, training and education needs, and service gaps; and
- make policy and practice recommendations to improve criminal justice and service system responses to coercive control across Australia.

This approach was adopted to allow the research to capture victim-survivor views and experiences and to use these to develop new knowledge and policy recommendations. The findings are relevant to all Australian states and territories, and to comparable international jurisdictions.



Debates surrounding the criminalisation of coercive control

The criminalisation of domestic and family violence

Across the globe, DFV is criminalised in varying ways. For example, specific standalone DFV offences, such as non-fatal strangulation and coercive control, have been introduced in a number of jurisdictions. Stalking and harassment legislation has been revised to move away from the stranger model to allow stalking committed by intimate partners to be considered. Civil protection orders (CPOs), while existing in the ‘quasi-criminal’ legal system (a crime has only been committed when the order is breached), also serve as a significant arm of the law’s response to DFV. (Australian states and territories have varying names for civil protection orders. We use ‘civil protection orders’ as a broad term throughout this report, while acknowledging that participants often use differing terms according to their location, such as intervention orders, restraining orders and apprehended domestic violence orders.)

Policy reform has co-occurred with legislative change. Pro- and mandatory-arrest policies are a notable example of this, emerging out of research suggesting that perpetrator arrest may be an effective DFV deterrent (Berk & Sherman 1984). Despite later replications of the Minneapolis Domestic Violence Experiment, which challenged the effectiveness of arrest (see Binder & Meeker 1988), the policies were rolled out across the United States (American Bar Association 2014) and some form of pro-arrest policy operates in most Western jurisdictions today.

Supporters of criminalising coercive control in Australia and internationally argue that it is a necessary step to widen the remit of the criminal law to better protect victims of domestic abuse by recognising patterns of abusive behaviours and their cumulative impacts, and to ensure that the criminal law can respond to non-physical forms of violence (see, among others, Hill 2019; McMahon & McGorry 2016a). By criminalising these behaviours, it is argued that the criminal law would more clearly acknowledge the severe impact of coercive control, offering victim-survivors better protection and legal recourse. It has also been argued that the current lack of a criminal offence that explicitly recognises coercive and controlling behaviours limits women's help-seeking options along with the ability to achieve perpetrator accountability and clearly denounce such behaviour (Douglas 2021a; InTouch Multicultural Centre Against Family Violence 2021; McMahon & McGorry 2020).

While the criminal law has been a useful tool for some women seeking protection from an abuser, decades of research on legal responses to DFV suggest criminalisation has created additional harm in the lives of victim-survivors. Criminalisation has had a range of unintended consequences, such as the increased misidentification of women victim-survivors as perpetrators (Dichter 2013; Hester 2012; Miller 2005; Nancarrow et al. 2020; Reeves 2021; Tolmie et al. 2018), the over-incarceration of people of colour for DFV offences (Nancarrow 2019; Richie 2012), and the exacerbation of economic inequality for women (Reeves & Meyer 2021). For multiply marginalised women, such as First Nations women, women of colour, women living with disability, migrant and refugee women, queer women, and women from low socioeconomic backgrounds, these unintended consequences have been felt most acutely (Bailey 2010; Goodmark 2009; Nancarrow 2019; Sokoloff & Dupont 2005).

A shortcoming of the law is that it is a rigid and blunt tool, meaning locating an incredibly nuanced and complex phenomenon into a binary framework of what is and is not criminal offending, and who is and is not a victim, has created challenges (Bailey 2010; Goodmark 2018; Larance et al. 2021; Walklate, Fitz-Gibbon & McCulloch 2018). The law has primarily been capable of understanding DFV as single incidents of physical violence that produce physical evidence (Robinson, Pinchevsky & Guthrie 2018; Stark 2012). A legal response requires a reliance on the police—an organisation grounded in a traditionally masculine ethos (Lila, Gracia & García 2013; Loftus 2010). This has widened the gap between how women experience DFV and how those charged with implementing the law assume they experience it. While the police are focused on law and order, DFV is a type of crime that also requires a social work lens and a trauma-sensitive approach (Balenovich, Grossi & Hughes 2008). Instead, victim-survivors often report being dismissed, disbelieved and blamed by police officers whose broader crime response frameworks prove ineffective when applied to DFV (Douglas 2019; Gezinski 2020).

The criminalisation thesis has presumed most victim-survivors want and need criminal justice intervention. Some feminist academics have criticised this assumption, arguing that it limits the autonomy and agency of victim-survivors in making decisions about what is best for their safety (Bailey 2010; Goodmark 2009). In reality, victim-survivors are particularly adept at assessing and managing their own risk—a consequence of living day-to-day in an abusive relationship (Goodmark 2009). A key barrier is that many victim-survivors do not support the criminalisation of their abusers for a range of reasons such as a fear of retaliation or abuse escalation, not wanting to end the relationship, financial implications (eg loss of second income), and not wanting their children growing up without a father (Leone, Lape & Xu 2014). Victim-survivors, particularly those from marginalised groups, may also be cognisant of the ways in which they themselves may be punished for engaging with the criminal legal system (Richie 2012). The reluctance of victim-survivors to engage with the system has presented significant barriers to those charged with implementing new laws, and attrition rates for DFV offences are high (Currul-Dykeman 2014). Despite the spate of new laws and policies, these are inconsistently enforced, meaning when victim-survivors do seek help from the criminal legal system to achieve safety, they are often left disappointed by the unwillingness or inability of the law to help them (Meyer 2011). Limited enforcement of the law reinforces the societal acceptability of the offender's behaviour, and equally creates opportunities for the perpetrator to weaponise the law to further control the victim-survivor (Douglas 2018).

The criminalisation of coercive control

While the law has been long posited as a 'blunt instrument', one that strips IPV of 'much of its overall architecture' (Tolmie 2018: 51), the criminalisation of coercive control is intended to allow for nuanced responses to this complex issue by moving away from the 'violent incident model'. Victim-survivors who had previously been unprotected by the law may now feel confident in its ability and/or willingness to see the 'bigger picture' of the harms they have endured (Tuerkheimer 2004). Additionally, service providers, including law enforcement, will be given the tools to 'help shift their attention from victim's safety to offender accountability, and so remove an important context for victim-blaming' (Stark & Hester 2019: 86). As will soon be discussed, a key concern about coercive control criminalisation is that it will be used by perpetrators to commit legal systems abuse and/or have the victim-survivor misidentified as the predominant aggressor (Tolmie 2018).

However, proponents of criminalisation make the point that, if misidentification is a product of the violent incident model, then a shift towards focusing on relationship contexts and patterns of harm will in fact empower legal system actors to correctly identify the predominant aggressor (Burman & Brooks-Hay 2018). The criminalisation of coercive control may be empowering for victim-survivors, who have the opportunity to present their experiences of DFV to the criminal legal system in its totality, rather than having to exclude experiences that are significant to the victim-survivor but were previously deemed irrelevant to the court (Bettinson & Bishop 2015; Fitzgerald & Douglas 2019; Tolmie 2018). Similarly, sentencing can accurately reflect the harm done to the victim (Tolmie 2018; Youngs 2015). The criminalisation of coercive control also serves an educative function, raising community awareness about the reality that DFV is often more than physical violence, and a symbolic function, signalling to the community that this behaviour is unacceptable and swift legal action will be taken against perpetrators (Quilter 2020).

In contrast, some feminist researchers have questioned the ability of the law to respond to coercive control (see, among others, Douglas 2015; Goodmark 2018; Walklate, Fitz-Gibbon & McCulloch 2018). A core concern raised is that changing the law does not address the myriad barriers facing women in reporting to the criminal legal system (Leone, Lape & Xu 2014; Walklate, Fitz-Gibbon & McCulloch 2018), nor does it address many of the barriers the law faces in effectively responding to DFV (Wangmann 2020). As argued by Walklate and Fitz-Gibbon (2019: 102):

... introducing coercive control as a standalone offence presumes that women will have access to police, that police will have access to the required evidence, and the legal frameworks of the inherently masculine court system will be open to their experiences of a pattern of abuse. When considered from that vantage, it is a lot to expect from a single piece of legislative law reform.

A coercive control offence requires evidence for prosecution. Non-physical forms of DFV being considered criminal (under specific circumstances) do not mean that their perpetration necessarily produces the types of evidence relied on in court (Bishop & Bettinson 2018). It remains true that physical violence produces the most robust evidence for police officers and prosecutors. As such, concerns have been raised about police officers falling back to focusing on single incidents of physical violence, given the higher chances of prosecution (Burman & Brooks-Hay 2018). Empirical evidence from England and Wales suggests this does happen (see Barlow et al. 2019; Myhill et al. 2023). Evidentiary issues also place a greater emphasis on the use of victim testimony, despite the risks the adversarial system poses for victim-survivor safety and its long history of using women's testimony to implicate them in their own victimisation (Bishop & Bettinson 2018; Tolmie 2018).

Some have questioned the conceptual limitations of legislation, which must determine where normal relationship behaviour ends and coercive control begins—for example, when a man controlling the family finances becomes coercive control (Kuennen 2014; Tolmie 2018; Walklate, Fitz-Gibbon & McCulloch 2018). It is clear from Wiener’s (2017: 505) study that academics are not alone in asking these questions: she quotes a police officer participant asking, ‘What is the threshold for what is coercive control? And what is a “normal relationship”?’ Indeed, the definitions of coercive control adopted by legislation (eg what counts as a relationship) are crucial to its implementation (see Myhill et al. 2023), with the *Domestic Abuse Act 2021* in England and Wales clarifying this specific issue for that jurisdiction. Such conceptual issues may lead to unintended consequences.

Above, we noted proponents have suggested that coercive control criminalisation will minimise the occurrence of legal system abuse and misidentification; however, many others suggest that the opposite is true (Sisters Inside & Institute for Collaborative Race Research 2021; Tolmie 2018; Walklate & Fitz-Gibbon 2020; Watego et al. 2021). Where new laws are implemented without effective training, resourcing and an emphasis on the gendered lens, male perpetrators may be successful in weaponising the criminal legal system against victim-survivors, just as they do at present in other areas of the law (Nancarrow et al. 2020; Reeves 2021; Tolmie et al. 2018; Wangmann, Laing & Stubbs 2020). Additionally, already over-policed populations, such as First Nations people in Australia, face an exacerbation of state overreach, with the new laws potentially being discriminately used to target minority populations (Sisters Inside & Institute for Collaborative Race Research 2021).

The current evidence on criminalisation

A number of Western jurisdictions have implemented laws criminalising coercive and controlling behaviours in recent years to varying degrees (for an overview of the different iterations, see Barlow & Walklate 2022; McMahan & McGorrery 2020). Here, we examine the current (albeit thus far limited) evidence on the implementation of these laws.

In 2004, the Australian state of Tasmania was the first jurisdiction to introduce legislation criminalising patterns of non-physical harm, under the *Family Violence Act 2004* (Tas) (see ss 8–9). While the legislation to introduce an offence of emotional abuse and an offence of economic abuse was far more nuanced than any DFV legislation in use on mainland Australia, its application in practice has been very scarce. A 2015 report by the Tasmanian Sentencing Advisory Council reported that in the first 10 years of the operation of the offences only eight convictions were recorded. As of 2017, there had been 68 cases of emotional abuse prosecuted in Tasmania, and five cases of economic abuse (Barwick, McGorrery & McMahon 2020). The low uptake of the Tasmanian legislation has been attributed to a number of implementation issues, largely due to legislative limitations including but not limited to a statute of limitations of 12 months (previously only six months), a lack of clarity around conceptualisations of 'reasonableness', and an overlap between these offences and other offences (see further McMahon & McGorrery 2016b; Women's Legal Service Tasmania 2020). The offences have, however, been praised as filling a critical gap in the criminal law:

... the value of the offences cannot be measured simply by the number of prosecutions to date, or what parliament intended them to achieve. The potential for the charges to deal with the many and varied social evils that arise in domestic abuse scenarios is only just starting to be seen and is certainly yet to be exhausted. (Barwick, McGorrery & McMahon 2020: 156)

In England and Wales (*Serious Crime Act 2015* s 76), the offence of coercive and controlling behaviours has been in operation for nearly a decade. While Office of National Statistics data clearly indicate its increasing use year on year, its effectiveness as an offence is difficult to glean. However, several studies have offered some insight into its implementation. Wiener (2017), in her study of service providers in England and Wales shortly following the introduction of the new coercive control offence, found that while service providers, including the police, showed enthusiasm for the new offence, many were unclear on how it would be implemented due to the 'murkiness' of coercive control. Brennan et al. (2019: 636) also collected data in the early stages of the England and Wales offence, and found that service providers 'were not conceptually, structurally, or procedurally prepared to respond to abuse that was not violent, which limited the potential for the successful reporting, prevention, and prosecution of coercive control offences' (see also Robinson, Myhill & Wire 2018).

In terms of the gendered operation of the law, Stark (2018) maintained that the offence is being used appropriately, reporting in the initial period of the offence's operation that, as of 2016, all persons charged under the offence had been men, despite the England and Wales offence being gender-neutral. In a similar vein, there is no substantial evidence to suggest that the offence has resulted in victim-survivors being misidentified as predominant aggressors (see McMahon & McGorrery 2020). This finding has been supported in case analysis research by Barlow et al. (2019) and in the Home Office review (2021) of the offence. The latter observed that between 2016 and 2019 between 97 and 99 percent of coercive and controlling behaviour offenders were male (see also Ministry of Justice 2020).

There is, however, research reporting on the first set of available police data since the introduction of the offence that paints a more concerning picture. Brennan and Myhill's (2021) analysis revealed an inconsistent use of the offence across police forces and low rates of arrest. Further, they highlighted that coercive control offences made up only three percent of recorded domestic abuse offences, despite research suggesting coercive control is far more prevalent, especially in cases that come to police attention. Additionally, the authors found that six out of every seven cases were discontinued due to evidentiary difficulties, with greater rates of attrition for coercive control offences than other domestic abuse offences (Brennan & Myhill 2021). A more recent study by Myhill et al. (2023) points to the ongoing preference for offences of physical assault, the resource demands taken up by such cases, and support for the extension of the law to include non-resident ex-partners (an issue addressed in the *Domestic Abuse Act 2021*). Addressing the specific concerns of the potential for misidentification in cases of coercive control, Barlow, Walklate and Finnegan (2023) concluded that miscommunication and misunderstanding contributed to misidentification. Moreover, almost 10 years on from the introduction of the coercive control legislation, police officers in their sample demonstrated an understanding of the need to 'dig deeper' in such cases. In a thorough analysis of the 2015 legislation, Wiener (2023: 195) suggests that the criminal justice system as a whole remains a work in progress, and that the legislation as articulated in 2015 'quite possibly makes the experience of criminal justice a more difficult and traumatic one for the survivors of domestic abuse than it needs to be'.

Some hold greater hopes for the Scottish offence (the *Domestic Abuse (Scotland) Act 2018*)—frequently referred to as the 'gold standard', primarily due to it embedding a gendered lens within the legislation (Scott 2020). Stark and Hester (2019: 85) have reflected that 'the new offense in Scotland represents one of the more radical attempts yet to align the criminal justice response with a contemporary feminist conceptual understanding of domestic abuse as a form of coercive control'. A review of the first three years of the operation of the offence reported that in the financial year 2021–2022 there were 1,760 criminal offences recorded under the Act, which was a seven percent increase on the previous year and a five percent increase on the first year of the Act's operation (Scottish Government 2023). Of those recorded, 252 incidents proceeded to prosecution, from which there were 212 convictions. Of the total crimes recorded, 92 percent involved a female victim, with four out of five offences involving a female victim and an alleged male perpetrator (Scottish Government 2023). Empirical work on the implementation of the Scottish offence reported by Burman et al. (2024) indicates changes in police attitudes, though it remains unclear whether this is a result of the legislation or the training accompanying its introduction. However, the evidential demands associated with these cases have resulted in protracted engagement with the criminal justice process, which may not always be the desired outcome for the victim-survivor (Burman et al. 2024).

As data emerge on the operation of the Scottish domestic abuse offence, as well as the Irish offence (*Domestic Violence Act 2018*), there remains a need to research their utility in practice, and the impacts of these criminal law reforms on victim-survivor safety and perpetrator accountability. In reflecting on the lessons to be taken from England and Wales in this regard, Barlow (2024) points to the need for shared understandings of the offence across the whole of the criminal justice process. This, she argues, demands more than just training of police officers, requiring resources to ensure a holistic response. As has already been suggested, almost 10 years on, the implementation of coercive control legislation remains a work in progress in these jurisdictions. Meanwhile, various Australian states and territories are travelling down this road, with New South Wales and Queensland legislation already having passed parliament (as overviewed above). It is within this context of significant reform and implementation activity that the present study was undertaken.



Methodology

This report presents the findings from a subsample of 130 in-depth interviews conducted with female victim-survivors of coercive control in Australia between May and November 2021, partly supported under the Criminology Research Grants program. Ethics approval was obtained from the Monash University Human Research Ethics Committee in April 2021 (Project ID 27305).

This wider project comprised an initial survey component and interview participants were recruited via the survey. A total of 1,261 victim-survivors participated in an anonymous online survey that used a self-selected convenience sample. The survey collected information on their experiences of coercive control, the impacts, their help-seeking behaviours and their views on the criminalisation of coercive control (for further details about the survey sample and findings from the survey data, see Fitz-Gibbon et al. 2023; Reeves, McGowan & Scott 2023; Reeves et al. 2021; Walklate et al. 2022).

Upon completing the survey, participants were offered the chance to opt into a one-on-one interview with a member of the research team, by providing their contact information and consent for follow-up contact. Over 400 survey respondents agreed to follow-up contact. Of these, 170 completed an interview. The remainder of the survey respondents ($n=230$) who had agreed to follow-up contact either did not reply to the interview invitation or declined to be interviewed.

For the purposes of this report, focusing on female experiences of coercive control in an IPV context, we draw on the interviews conducted with female-identifying participants ($n=130$) who had experienced coercive control from a current or former intimate partner.

Commitment to centring the voices of victim-survivors

This study represents the first in-depth national examination of victim-survivors' views on the benefits, risks and impacts of the criminalisation of coercive control. It was borne out of a recognition that debates surrounding the criminalisation of coercive control in Australia (and, to a large extent, internationally) have for the most part occurred in the absence of a substantive effort to understand the views of victim-survivors of coercive control. This project sought to directly address this evidence gap by generating new insights into victim-survivors' views on the criminalisation of coercive control. To uphold this commitment, throughout this report we quote heavily from our participants, ensuring that their voices—and by extension their experiences and their views on criminalisation—are forefront in our analysis.

Interviews

Interviews were conducted in 2021. The wider context within which these interviews sit is important to acknowledge. Numerous interview participants referenced public debates surrounding the criminalisation of coercive control that were gaining momentum at the time and over the year prior to the interviews. In particular, a number of interview participants referred to the influence of Jess Hill's (2019) book *See what you made me do*, and the killing in Queensland of Hannah Clarke and her three children—Aaliyah, Laianah and Trey.

The interviews took place at the height of the COVID-19 pandemic, when large portions of the country, including Victoria (where the research team was based), were under government 'stay-at-home' mandates. Consequently, the research team did not explore opportunities to conduct interviews in person. As such, all interviews were conducted over the phone or via videoconferencing (eg Zoom).

Interviews were semi-structured, a commonly used methodology in qualitative research due to it fostering an environment where the interviewer can build greater rapport with the interviewee, follow up on topics raised by the participant and allow for topics previously unconsidered by the researcher to emerge in the data (Skinner, Hester & Malos 2005). However, interviewers were guided by a number of broad questions that asked participants to reflect on:

- their experiences of coercive control;
- their experiences of help-seeking;
- their experiences of reporting coercive control to the criminal/civil legal system;
- their involvement in public advocacy on coercive control criminalisation;
- their support for a standalone coercive control criminal offence; and
- their views on whether a coercive control offence would have been beneficial to them in their case.

Ethical considerations

Participant consent was audio-recorded at the beginning of each interview. Participants were given the opportunity to ask questions about what consenting to the study meant and were allowed to have a support person present, who was also required to provide consent. To ensure participant safety, the interviewer first asked if the participant was in a safe environment where they felt they could speak freely. Where this was not the case, the interview was rescheduled. Interviewers emphasised to participants that they could stop or take a break from the interview at any time. Participants were remunerated with a \$50 gift card.

To protect anonymity, all participants were assigned a pseudonym following interview completion. Transcripts were further de-identified, redacting any information (eg locations) that might lead to the identification of participants. Throughout this report, quoted participants are referred to by these pseudonyms as well as by a small number of demographic identifiers:

- age range: 18–20, 21–24, 25–30, 31–40, 41–50, 51–60, 61+;
- sexuality: heterosexual, lesbian, bisexual, pansexual, queer, asexual, questioning, prefer not to say;
- First Nations: where a participant identified as First Nations, this is expressly stated in the identifiers included following the quote;
- disability: D=identified as having a disability, ND=identified as not having a disability; and
- state/territory: the Australian state or territory that the participant lived in at the time of the interview.

Where these details have not been included alongside participant quotes, it is because participants chose not to provide this information.

Interview participants

In line with the survey eligibility criteria, interviews were conducted with persons who:

- had experienced coercive control in a domestic and family violence context;
- had lived in Australia (or who had experienced coercive control while living in Australia); and
- were 18 years of age or over.

Table 1 provides the demographic characteristics of the 130 participants whose experiences are examined in this report. Due to targeted recruitment methods, we note that the sample is not representative or generalisable. Survey respondents self-identified as having experienced coercive control in the context of domestic and family violence.

In the final sample, the majority of participants were over the age of 40 (72.3%) and 78.5 percent self-identified as heterosexual; 6.2 percent identified as Aboriginal and/or Torres Strait Islander, with the majority of the sample identifying as caucasian (61.5%), English (24.6%) or European (11.5%). Further, 88.4 percent of the sample were Australian citizens, with 10.1 percent recorded as permanent residents and less than one percent as temporary residents. The majority of the sample lived in either Victoria (29.2%), Queensland (24.6%) or New South Wales (20.8%), with smaller numbers from Western Australia (8.5%), South Australia (6.15%), the Australian Capital Territory (5.4%) and Tasmania (5.4%). No participants from the Northern Territory were interviewed. There were 67.4 percent living in a metropolitan area, 23.3 percent in a regional area, 8.5 percent in a rural area and less than one percent in a remote area.

The sample of victim-survivors interviewed was highly educated, with 33.1 percent having a postgraduate degree. Further, 33.0 percent had an undergraduate degree, 17.7 percent a TAFE degree, 8.6 percent Year 12 equivalent and 4.6 percent had a less than Year 12 equivalent level of education. Four in 10 participants (39.2%) were employed full-time, 13.9 percent part-time, 4.6 percent had casual employment, 5.4 percent were retired, 6.2 percent were students, 16.2 percent identified 'other', with many participants citing being self-employed, and 12.3 percent were unemployed. There were 28.5 percent of the sample identifying as living with disability, and 79.2 percent had children.

Table 1: Participant characteristics

	<i>n</i>	%
Age (years)		
18–20	1	<1
21–24	1	<1
25–30	10	7.7
31–40	24	18.5
41–50	55	42.3
51–60	24	18.5
61+	15	11.5
Sexual identity		
Heterosexual	102	78.5
Lesbian	2	1.5
Bisexual	14	11.0
Pansexual	5	3.8
Queer	4	3.0
Asexual	2	1.5
Questioning	1	<1
Prefer not to say	4	3.0
Aboriginal and/or Torres Strait Islander	8	6.2
Residency status		
Citizen (including dual citizen)	114	88.4
Permanent resident	13	10.1
Temporary resident	1	<1
Other	1	<1

Table 1: Participant characteristics (cont.)		
	<i>n</i>	%
State/territory		
Australian Capital Territory	7	5.4
New South Wales	27	20.8
Northern Territory ^a	0	0.0
Queensland	32	24.6
South Australia	8	6.2
Tasmania	7	5.4
Victoria	38	29.2
Western Australia	11	8.5
Type of area lived in		
Metropolitan	87	67.4
Regional	30	23.3
Rural	11	8.5
Remote	1	<1
Highest level of education		
Less than Year 12 equivalent	6	4.6
Year 12 equivalent	11	8.6
TAFE degree	23	17.7
Undergraduate degree (including honours)	43	33.0
Postgraduate degree	44	33.1
Prefer not to say	3	2.3
Current employment status		
Employed full-time	51	39.2
Employed part-time	18	13.9
Casual employee	6	4.6
Unemployed	16	12.3
Retired	7	5.4
Student	8	6.2
Other (eg self-employed)	21	16.2
Prefer not to say	3	2.3
Disability		
Identifies as having a disability	37	28.5
Does not identify as having a disability	88	67.7
Prefer not to say	5	3.9
Children		
Has children	103	79.2
Does not have children	27	20.8

a: It is a limitation of this study that there were no interview participants from the Northern Territory. While the survey was advertised in the NT and completed by some NT-based survey respondents, no female-identifying survey respondents based there participated in a follow-up interview

Note: Percentage and *n* totals may not equal 100 due to rounding and respondents choosing not to disclose specific information. Some questions also allowed for multiple responses and final percentages have been calculated against the total number of participants, rather than the number of responses

As described in Table 2, a significant majority of participants experienced coercive control from a former partner (98.5%). However, a range of other perpetrators were identified including a parent (24.6%), a sibling (11.5%), an in-law (7.7%), a daughter (3.8%), a current partner (3.0%), a grandparent (2.3%), and a son (less than 1%). Many participants cited experiencing coercive control from multiple perpetrators. Further, at the time of the interview, 44.6 percent of participants were still experiencing coercive control.

	<i>n</i>	%
Experienced coercive control from		
Current partner	4	3.0
Former partner	128	98.5
Parent	32	24.6
Sibling	15	11.5
Grandparent	3	2.3
Son	1	<1
Daughter	5	3.8
In-law	10	7.7
Other family member	3	2.3
Experiences of coercive control		
Still experiencing coercive control	58	44.6
No longer experiencing coercive control	72	55.4

Note: Percentages and *n* totals may not equal 100 due to rounding and respondents choosing not to disclose specific information. Some questions also allowed for multiple responses and final percentages have been calculated against the total number of participants, rather than the number of responses

Approach to data analysis

All interview data were thematically analysed using NVivo Qualitative Data Management software. Initial codes were created in accordance with interview questions, and, using the guidelines of Braun and Clarke (2006), new codes were created to reflect common themes and patterns as they emerged. Each interview was coded individually to allow the findings from each individual's experience to be captured within the thematic data analysis. The research team then analysed data collectively to understand how different cohorts of victim-survivors viewed criminalisation. The emerging key themes as they related to the question of criminalisation are presented in the *Results* section of the report.

Study limitations

While this study represents the most in-depth analysis of victim-survivors' views on the criminalisation of coercive control conducted in Australia to date, it is subject to several limitations. The cohort of victim-survivors interviewed is not homogeneous, nor does it claim to be representative of the Australian victim-survivor population.

The scope and nature of this study—which was advertised via a call-out to victim-survivors of coercive control in the DFV context—means we will not have accessed individuals who have experienced abusive intimate partner behaviours but do not identify the abuse experienced as coercive control. In the wider survey sample that pre-dated the interviews, 38 percent of victim-survivors stated that they did not identify their experiences as abuse at the time they occurred. We therefore acknowledge that this study only captured the voices of those who identified as victim-survivors of coercive control at the time of data collection.

Further, while we endeavoured to advertise the study and initial survey opportunity widely, dissemination of the survey was largely reliant on social media and specialist organisations so would have been unlikely to capture victim-survivors who were not attached to formal services or who did not use social media. As the gateway to participation in an interview was the online survey, we are also unlikely to have captured victim-survivors in areas with limited internet connectivity, including remote areas. The nature of the interviews also meant that we were unlikely to reach victim-survivors with limited English proficiency. We further acknowledge limitations around victim-survivor participation in research during the COVID-19 pandemic and its various impacts on many households.



Results

Findings presented here draw heavily on the interview data to highlight the nuances of victim-survivor views on the potential benefits and risks of criminalising coercive control. Firstly, victim-survivor justifications for supporting the criminalisation of coercive control are explored. We then explore victim-survivor views on the potential for a standalone coercive control offence to increase perpetrator accountability. Following this, victim-survivors' perceptions of the limits of criminalisation and perceived harms of engagement with the criminal legal system are considered. Finally, we examine the views of victim-survivors who are 'sitting in the grey'—that is, those who support the criminalisation of coercive control but simultaneously raise concerns around a new criminal offence. Through this analysis, it is evident that victim-survivors' views on the criminalisation of coercive control are complex, with expectations of what a standalone offence can and cannot achieve varying significantly.

The need for and benefits of criminalising coercive control

Overwhelmingly, victim-survivors interviewed for this research expressed in-principle support for the criminalisation of coercive control as a standalone criminal offence. Within the wider national survey sample from which interview participants were recruited, 87.5 percent of survey participants believed coercive control should be a criminal offence (Fitz-Gibbon et al. 2023: 8). This strong support among the wider survey sample held true across a number of different survey subcohorts (as explored in Fitz-Gibbon et al. 2023). Building on the quantitative survey findings, the interviews provided a valuable opportunity to gain insights into why victim-survivors support criminalisation and the expectations they place on law reform. Exploring these views in greater depth, this section examines the arguments made in general support of criminalisation, as well as four key outcomes or benefits anticipated by victim-survivors—namely, that criminalisation of coercive control will:

- raise community awareness;
- increase victim-survivor safety;
- improve police responses; and
- increase access to justice for victim-survivors.

Each of these key arguments in support of criminalisation is explored in detail below.

General support for the criminalisation of coercive control

Throughout the interviews victim-survivors expressed general support for the criminalisation of coercive control—emphasising that, in principle, the criminal law across Australia should recognise the unacceptability of coercive and controlling behaviours. This support coalesced around three key themes: validation for victim-survivors that this behaviour is not acceptable, recognition of the severity of coercive control, and ensuring the law is better able to recognise the full spectrum of abuse experienced beyond responding to individual incidents of harm.

Expressing their support for criminalisation, victim-survivors reflected on the symbolic importance of the law in setting the standard of acceptable and unacceptable behaviour within a community. Victim-survivors described the importance of ensuring that the law reflects community understandings of acceptable and unacceptable behaviours. As one interviewee commented:

I think the judicial system is about five or six decades behind where it needs to be. I think criminal coercion would be a game changer ... for abused victims. (Samara, 31–40, heterosexual, D, SA)

Similarly, others remarked:

I think there's a lot to be said about having something even just said in legislation and saying, 'This is not okay'; it's good, because it's meant to reflect values. That's what the law is meant to do. (Clara, 25–30, heterosexual, ND, NSW)

I think that the criminal code sets a standard of acceptable behaviour for our community, so it would send a signal to the rest of the community. I think that in really horrific cases it's important that perpetrators are prosecuted and held accountable in that way, but I think also having legislation that victim survivors can see themselves and their experience in will help people seek assistance and support, potentially outside of the criminal justice system or before it gets to that point, because it will create an awareness. (Barbara, 31–40, heterosexual, ND, Vic)

Relatedly, some victim-survivors described the need to reset 'the bar' of what is considered legal and by extension permissible in the context of an intimate partner relationship. The law's failure to ensure this bar is reached was seen by some victim-survivors as providing an almost free pass for perpetrators to use non-physical abusive behaviours with impunity. As one victim-survivor described:

I think it will send a strong message to both the perpetrators and the victims that—like I said, he would say, 'Well, I don't hit you.' ... I don't hit my partner, so it's okay what I do.' (Morgan, 31–40, heterosexual, D, NSW)

Beyond the symbolic value of the law, validation as a driving motivator for the criminalisation of coercive control is perhaps unsurprising given the well-documented barriers victim-survivors face in having their experiences of coercive control responded to by police and the courts. While victim-survivor views on the specific benefits of criminalisation for improving police and court responses are examined in later sections of this report, here we note victim-survivor views on the importance of having their experiences of coercive control validated, and that criminalisation would support a transformation of responses to coercive control. As one interviewee explained:

So, we talk about what will coercive [control] laws, keep us safe, give us pathway to safety, give us accountability and consequences, but it'll also do something psychologically, just knowing that it's not okay and that you can walk away and that—it's hard to walk away when there's just coercive control because you can't report that to the police. They're not going to do anything. But so often coercive control leads to murder and violence and that's something that keeps women at bay and keeps men in power. So, it'll just completely smash the status quo. (Lucinda, 25–30, heterosexual, ND, NSW)

To the same effect, another commented:

I think it would change everything because people would start to take it more seriously. They'd learn about it. (Bridget, 41–50, heterosexual, ND, WA)

More broadly, throughout the interviews when victim-survivors were asked whether they supported the introduction of a standalone offence of coercive control, many victim-survivors responded quickly in the affirmative and described how it would have positively impacted upon their own experience. As one victim-survivor remarked:

Absolutely ... there were various situations where he would be outside my house calling me obsessively. Ringing my doorbell. He threatened to kill himself. I got forcibly managed out. I got asked to leave my job because he threatened to kill himself to the board. Also, he told me. And I felt completely powerless to do anything. Whereas I could have gone to the lawyers then and actually protected myself. He would do awful things and it would just make me feel like I wanted to die. I tried to kill myself twice ... And no one really helped me. And it was just—it took eight years of my life really. If I could criminalise it, I would have felt much more powerful. Instead of having to build myself up alone over those years. Yes, is the answer. (Amelia, 31–40, heterosexual, D, Vic)

Overarching positive views on the criminalisation of coercive control were expressed by a diverse range of victim-survivors interviewed, including First Nations women, older and younger victim-survivors, those with disability, and victim-survivors with diverse sexualities. These overarching positive responses are well captured in the following quotations:

I really think it is vital. (Bethany, 41–50, bisexual, ND, Vic)

I do think that there needs to be more legal ramifications for this kind of emotional blackmail. It's a violence on the person's soul, their psyche. (Bronwyne, 61+, ND, Vic)

If we don't make a change and we don't make steps forward for change, then how will anything ever change? Just to say no, don't do it, isn't an option. (Elizabeth, 61+, First Nations, D, ACT)

I think you've got to call it for what it is and you've got to say, 'Is this acceptable behaviour or not?' And if it's not, then you do something about it, you have sanctions against it, right? And because this is—yeah, because it's diabolical, it has such long-term consequences for the person who is being controlled. (Stevie, 61+, heterosexual, ND, NSW)

Among some victim-survivors there was a sense of urgency in their response to the question on criminalisation, expressing the view this was an overdue reform that should be implemented as soon as possible. As one commented, 'It can't come sooner, as far as I'm concerned' (Rochelle, 31–40, heterosexual, ND, Qld).

Several victim-survivors recounted the severity of the coercive control they had experienced as a key reason why they supported the criminalisation of coercive control. As noted in the *Methodology*, victim-survivors in this study self-reported experiencing a range of different forms of coercive and controlling behaviours (see also Reeves et al. 2021). This breadth and depth of victimisation was often cited as a key reason it is essential for the law to cater to women's experiences of IPV in their totality. As four victim-survivors described:

It is such a crippling thing to experience. I lost my job. I had to quit my job on the spot because of his tactics. I lost friends ... It is such a debilitating thing. I've been going through this process for three years now, and obviously the tactics started long before we separated. It impacts every aspect of your life. You can't think. You can't do anything because you can't think far enough ahead. It is absolutely crippling. (Ellie, 31–40, heterosexual, ND, Qld)

I would say, from personal experience, it's far worse than being slapped around. One punch to your face or whatever can heal, bruises heal very quickly. But when you strip a person of their independence, of their confidence and their life. It's being held captive. You feel like you're under house arrest, basically. It's taking someone's freedom away. It's basic human rights they take away from you. If I had a job and he was punching me, it would have been a lot easier to get over than having all my freedom taken away. Slavery is illegal but coercive control isn't; it's bizarre. (Julianne, 41–50, heterosexual, D, Qld)

The coercive control over such a long period of time, it takes away the person you are. Some people recover and some don't from that. It's basically a life sentence sometimes. It's far worse than the physical, far worse. Yeah. And if they're prepared to charge men on the physical, this is worse. They should be getting charged for that. (Karla, 51–60, heterosexual, D, Qld)

I think it's criminal, it's taking away a person's human rights. That's how I see my childhood and my relationship. I didn't have any human rights. I didn't have the dignity of being safe, of being able to go where I wanted to, I didn't have freedom of movement, freedom of speech, freedom of thought. (Susanne, 51–60, asexual, D, Vic)

Some victim-survivors identified the preventive potential of criminalisation, noting that if non-physical forms of coercive control were criminalised it may mean abusive behaviours would not escalate into physical violence and intervention would occur earlier. As two victim-survivors described:

I think in most cases, it's a precursor to physical violence, that they use coercive control, and that's for me personally, it went very slowly over the years, built up from very subtle stuff to more overt, but in other cases, and other people I've heard of, it happens over a couple of months, and it's fast. If those people can get help before it becomes physical, then that's got to be so much better. I mean, why should we wait, why should victims of violence have to wait until they're black and blue before something can be done against the perpetrator? Why? It's just so wrong. I mean, I know for myself, I've been trying to get help for so long, and being ignored. (Brooke, 41–50, heterosexual, D, NSW)

Absolutely 100 percent ... family violence would be looked at through a much broader lens and behaviours leading up to often deadly outcomes can—may be recognised and picked up way before it's too late. And also, it would educate the public on what truly constitutes family violence. At the moment it's looked at through too narrow a lens and we have an understanding of physical violence to the point where a lot of women believe that if they're not being beaten up or the—if it hasn't gone physical, actually there is no violence. I think it will also educate the legal profession. (Hannah, 51–60, heterosexual, ND, Vic)

As captured in these remarks, victim-survivors believed that through criminalisation victim-survivors would be able to identify non-physically abusive behaviours more readily as IPV and may be better supported to seek help and safety. As one explained:

I think criminalising it would mean that it would bring more awareness to that. In the early days, I wouldn't have said I was abused. I didn't see the signs. I didn't know that some of what was happening to me was abuse. And I know it now, but if we all knew that there was a charge called coercive control and this is what coercive control is, it may actually help some women in identifying that they're in an unhealthy situation. (Melinda, heterosexual, ND, Qld)

For several victim-survivors the opportunity for a new criminal offence of coercive control to recognise the pattern of abuse, rather than focus on individual incidents of physical harm, was viewed as particularly advantageous. As two victim-survivors explained:

... the control afterwards is sometimes just as traumatic, and that's your lifelong thing, and that's the part that they're not punished for. (Faith, 31–40, heterosexual, D, Qld)

Because if you were open to that and you were trained around coercive control you would be asking a different set of questions and you would be open to examining those patterns of behaviour ... because every woman who has genuinely experienced those behaviours can give you example after example after example of how they experienced those behaviours and what were the impacts. (Hannah, 51–60, heterosexual, HD, Vic)

This viewpoint has been central in the wider debate on criminalising coercive control. Advocates for criminalisation have often stressed the importance of transforming the gaze of the criminal legal system beyond responding to individual incidents to ensure that it can recognise and respond to the full pattern of abusive experiences.

Within the interview sample, there were some Aboriginal and Torres Strait Islander victim-survivors who supported the criminalisation of coercive control, though others expressed concerns. In the lead-up to this study, as part of public campaigns surrounding the criminalisation of coercive control, there were particularly strong calls for caution from First Nations led organisations (see Djirra 2021; Sisters Inside & Institute for Collaborative Race Research 2021; Victorian Aboriginal Legal Service 2022). Here, one victim-survivor recognises the significant challenges of the policing of Aboriginal and Torres Strait Islander communities, and the opportunity that such reform may pose for Aboriginal and Torres Strait Islander victim-survivors:

I'm Aboriginal. It's not true that all Aboriginal women don't want it, because it'll make it worse for them ... I think the perception is that the police will turn up and because they're often fighting and they're often drunk when it happens, the police take the women as well, and then the children get put into care. It's that whole stolen generation thing happens all over again. But it doesn't happen in every case. I was trying to say to them, you know, 'Well if we don't make a change and we don't make steps forward for change, then how will anything ever change?' Just to say 'No, don't do it' isn't an option. (Elizabeth, 61+, First Nations, D, ACT)

As the findings presented in this section show, for some victim-survivors the criminalisation of coercive control as a standalone crime was viewed as a significant step forward in achieving multiple positive outcomes for women, children and communities impacted by coercive control.

Criminalisation as a tool to raise community awareness

In the survey preceding the in-depth interviews, increasing community awareness that DFV is not limited to physical abuse was selected by victim-survivors as the most likely benefit of criminalisation (Fitz-Gibbon et al. 2023). Indeed, 93 percent of survey participants who were in favour of criminalisation or were undecided selected this outcome when presented with a list of potential benefits of criminalisation. Given this, it was unsurprising that using criminalisation as a tool to raise community awareness about the nature of, prevalence and impacts of coercive control came through very strongly in the interviews. The educative role of the law is well captured in the comments of two victim-survivors, who remarked:

Look, honestly, there's not enough emphasis of criminality of domestic abuse as it is, but if we can actually start to redefine [it] for society. I mean, we already have our own definitions of what abuse is, what violence is, and it can be words, it can be actions, it can be so much; we know this. But we actually have to start educating the rest of society that these behaviours are not okay; these behaviours constitute violence even before you raise your fist. We have to change the conversation. (Shannon, 41–50, heterosexual, ND, Qld)

I think it would clarify it for a lot more people. There is still, even after 40-odd years, there are still people that don't understand that coercive control is the basis of domestic violence. They still don't seem to understand what gaslighting means. I still see on community pages 'I've just had a new baby and all of a sudden my partner appears to be jealous.' It's part of that problem so we need to really help people understand what DV is and it's not just a matter of anger and physical violence. Anybody can be angry; it doesn't necessarily make them a DV perpetrator. But if we can clarify why they get angry and how they get angry and what they get angry for, then I think we can clarify what the coercive control is about. It's abusive intimidation and threat. (Taylah, 61+, heterosexual, ND, Qld)

In the first instance, victim-survivors spoke about the need to raise awareness in the general community about coercive control broadly, and non-physical forms of IPV more specifically. Victim-survivors expressed feeling that their experiences of abuse were minimised, invalidated or ignored by trusted family and friends, who did not understand coercive control involves a pattern of behaviours that may never, or may only rarely, include physical forms of abuse. As two victim-survivors explained:

If I'd have known the term back in the day, even if I'd have known the dynamics. It was so confusing reading through it and trying to understand what the hell was happening. Yeah, I think it would've made a big difference. If someone had said to me, 'Look, I'm concerned that this is a case of coercive control' and explained to me what that was, I would've just been like, 'Yeah, that's exactly what's happening.' (Bridget, 41–50, heterosexual, ND, WA)

We know the impact of physical violence, people recognise physical violence. There's still so many people that don't recognise that something is controlling and that that is part of domestic violence ... So I just don't think it gets recognition that it needs and domestic violence itself still isn't seen as that bad by many people ... [criminalisation will] bring it more to the fore and do a lot more for the cause, hopefully ... My hope is that in terms of my children [who] are in the situation or anyone they know that they'll be able to get help sooner and it will be seen as something that we don't have to put up with. (Miriam, 41–50, heterosexual, ND, SA)

As captured here, for several victim-survivors the creation of a standalone offence of coercive control carried with it the opportunity to raise awareness among the community as to the presence and severity of this form of abuse. Other victim-survivors similarly commented:

I think the big difference would be in the community's view of relationships. So if you see something going wrong, you feel empowered to do and say something. (Karina, 51–60, heterosexual, ND, NSW)

Making it an offence I think would definitely help people get an idea of what this actually is. It would make coercive control way more visible rather than an invisible kind of thing that just flies under the radar. (Penelope, 31–40, heterosexual, ND, Vic)

As an extension of this, some victim-survivors believed that, had their close family or friends understood coercive control, then they would have been better equipped to intervene and support their help-seeking needs. This was identified as another benefit of raising general community awareness of coercive control. As two victim-survivors explained:

If someone had told me, 'He's actually not allowed to isolate you from your friends, he's not allowed to financially abuse you, he's not allowed to do X, Y, Z,' I would have been so happy and I would have been so much safer. I still struggle to have friends to this day. I used to be so social. (Lucinda, 25–30, heterosexual, ND, NSW)

I was like, 'It's so common,' and I think at the time I just thought that can't be me. So not just a criminal offence but maybe if there was just more information like there is now out there, that women can feel empowered to talk about these things, I probably would have told friends or told family about it. I still don't know if I would have gone to the police, but I might have at least sought out other help. (Sophie, 41–50, heterosexual, SA)

Several victim-survivors noted the preventative element of the law, and that by criminalising coercive control and enacting an offence in law victim-survivors may be able to more readily understand the behaviours committed against them as a form of abuse and seek help earlier in the cycle of abuse. As described here:

I didn't really know what abuse was apart from physical abuse in the first place, and if we start criminalising it people will be more educated towards it. [They] will become more aware, people will be more afraid, and people will start realising, okay, this is a form of abuse and this is not okay to treat other people like this. (Ivanna, 25–30, heterosexual, ND, Vic)

If I had that education around it, then I may have actually been able to see it myself earlier and actually not only perhaps have left earlier but probably sought police help or some kind of legal help earlier. Because I think I didn't think those things that had happened earlier on, and even in a sustained way over those 15 years, was illegal. I didn't think that my husband controlling the finances was a bad thing until I reflected back over many years and gone 'Whoa, that is actually quite a shit thing to do to someone' ... I think criminalisation can help with this because any law is well known and understood by more people. (Lottie, 41–50, heterosexual, ND, ACT)

Numerous victim-survivors drew this connection between awareness among victim-survivors and the ability to seek help. As one victim-survivor stated about criminalising coercive control:

I definitely think it should be even if it's just to bring that to the forefront to say, 'Yes, that is a form of violence' ... it is and it is that everyday kind of [abuse that] makes you feel a bit crazy ... it's very invasive into your life and I think that for a lot of women and victims that it has a huge impact. It's a huge part of the violence. It's a huge part of the cycle. Hopefully, if it was to be made—to be criminalised—then hopefully more help can be sought. (Carly, 31–40, heterosexual, ND, Qld)

This view was not specific to individuals in heterosexual relationships. Victim-survivors who identified as members of LGBTIQ+ communities, who must navigate not only a lack of awareness of coercive control specifically but also a general lack of awareness of DFV in LGBTIQ+ relationships due to hetero- and cis-normative public messaging surrounding DFV (Donovan & Barnes 2020), also reflected:

I don't know how effective it's going to be, but I do support it. I think even just the publicity is incredibly beneficial just so that victims are more aware. (Lucy, 25–30, questioning, ND, NSW)

But I think it's having someone name that for you. 'This is what's happening.' (Mary, 41–50, bisexual, ND, NSW)

Sometimes making something in law actually really gives it a bit of meat. It gives it some substance because when it's just a feeling then you're just hypersensitive, as they would tell you. But when it's actually that's against the law, it's wrong. Society says it's wrong. Our criminal justice system says that is wrong and you can't carry on that way, then it makes you feel like you've got a bit of ammo in your court because other than that you're just told that you're oversensitive and dramatic. (Bethany, 41–50, bisexual, ND, Vic)

Building on this, some victim-survivors noted that the criminalisation of coercive control may also increase understanding among perpetrators, resetting the bar for what is and is not considered legal in the context of an abusive relationship. Several victim-survivors reflected on their abuser's awareness of what behaviours did and did not fall within the remit of the law. As captured in the remarks of one victim-survivor:

That's why I'm a very strong advocate for criminalising coercive control, because if I had known about it, and if I had said, 'What you're doing to me right now is assault, or it's coercive control; this is against the law, I'm reporting you to the police,' I think he would have backed off. I don't know. Maybe I'm living in illusion land. Maybe he wouldn't have. I don't know. But I certainly know when I said to him, 'You hit me, you lay a hand on me, and I'll call the police,' he backed off. (Joanna, 51–60, heterosexual, ND, WA)

I think that if I had known of coercive control, if I had known that there was a law against it—and the other thing is, I always said to him, like he came at me once gesturing strangulation—and I said to him, 'You lay a hand on me, I will call the police faster than you can blink.' And he knew that I meant that, and I think he knew I would, but I didn't have that power; I only felt like I could draw that boundary. He was very fearful of a criminal record, or a criminal response. (Joanna, 51–60, heterosexual, ND, WA)

Speaking specifically on the potential benefits of increasing perpetrators' understanding of the abusive nature of coercive and controlling behaviours, another commented:

I think if there's an actual law saying that this particular behaviour is not supposed to happen, I think a lot more men will get it through their heads too that that's not acceptable. And I think it being a law, it will be more spoken about. Especially in men's groups and things like that. You know, at the pub or whatever. And I think a lot more people will stand up and say, 'No, that's not the right thing to do.' And I really honestly think that men just need to be educated because they have no idea that what they're doing is so destructive. I really [think]—half of them don't even know. (Emma, 41–50, heterosexual, ND, Qld)

Mirroring this view, other victim-survivors similarly commented:

It's just quite normalised and quite accepted in our society, and I just find that really appalling that people go through these behaviours and (a) don't even know that it's not okay and, yeah, (b) the whole lack of support around that and the isolated feeling. Then the longer-term impacts of that, like the links to suicide rates or even victims defending themselves and then getting charged with murder. There's so much to it, I think that it's so complex, but if those behaviours were criminalised then I imagine the education around that for victims and perpetrators, the benefits would just be ongoing. (Kathleen, 25–30, heterosexual, ND, Qld)

I think it's really important that it becomes a criminal offence because that way it gets the awareness out there, and that in itself is a form of education, not just for women and [to] feel a bit supported, but for women to understand 'This is not okay, what's happening to me,' and also education for men. I know it does happen the other way around too, but the majority of times it doesn't. To understand that it's not okay for me to do this, it's against the law, so it has an educative effect as well. (Susanne, 51–60, asexual, D, Vic)

The findings above illustrate the hopes victim-survivors hold in the law as a deterrent, hopes which are explored in more depth in later sections of this report.

Criminalisation as a means to increase victim-survivor safety

For a number of victim-survivors the criminalisation of coercive control was heralded as a key turning point to improve the safety of women and children. In the national survey, interestingly, improving victim-survivor safety ranked lowest among the benefits victim-survivors identified as expected outcomes of criminalisation. That said, 72 percent of victim-survivors who supported the introduction of a standalone offence, or who were unsure about this, believed that improved victim-survivor safety would be an outcome of introducing such an offence (see Fitz-Gibbon et al. 2023: 9). Throughout the interviews the theme of expectations around improved victim-survivor safety continued. There was a strong expectation among some victim-survivors that criminalisation would significantly increase women's safety and would make a significant contribution towards preventing abuse among future generations. As two victim-survivors described:

But should it be criminalised? Absolutely. But I think there needs to be cultural change and cultural education. I've gone to the rallies and I read and watch everything, and I say to people 'I'm not doing this for me, it's too late for me, but maybe for the next generation or the one after me there'll be change, and it'll be better for them.' (Nicole, 41–50, heterosexual, ND, NSW)

Well, it would have to lead to less deaths, less carnage, wouldn't it? If you can—the earlier you can nip these things in the bud, the better. Yeah. It would have to stop so many women and kids dying. (Marianne, 51–60, heterosexual, ND, NSW)

The expectation that the process of criminalisation and the introduction of a new law will prevent future deaths from IPV emerged as a key theme throughout the interviews, and this is unsurprising given this was a key narrative in the political and public debates on coercive control underway at the time of the interviews. As noted in the introduction, it is well established in Australia and internationally that coercive control is a common risk factor in intimate partner homicide (Eriksson, Mazerolle & McPhedran 2022; Tyson 2020). The high prevalence of coercive control prior to the deaths of women killed by their current and former intimate partners crystallises the need for earlier identification and effective interventions to better ensure the safety and lives of women and children experiencing coercive control. The evidence on whether prevention of intimate partner femicide can be achieved via criminalisation is less established, however, and did emerge in the narratives of victim-survivors interviewed. Determining causative factors in the prevalence of intimate partner femicides is an extremely difficult exercise.

Interestingly, the percentage of victim-survivors who supported criminalisation and identified improved victim-survivor safety as a benefit dropped to 31 percent when only the views of First Nations victim-survivors who supported criminalisation were analysed. (For further analysis of this survey finding, see Fitz-Gibbon et al. 2023: 10.) Qualitatively, it is notable in the analysis that few First Nations victim-survivors interviewed discussed safety as a likely benefit of criminalisation.

One of the key benefits of criminalisation often cited by victim-survivors was that criminalisation would provide the much-needed authorising environment through which victim-survivors could seek support, within and beyond the law. Several victim-survivors reflected that criminalisation would lead to a clearer understanding among formal and informal support sources that coercive controlling behaviours are unacceptable, constitute a crime and warrant formal help-seeking and interventions. As one victim-survivor commented:

If it was against the law ... it gives it a tangible definition ... Yeah, if it was against the law, people like me could say, 'No, this is not okay. This is where we draw the line.' It might help help-seeking behaviours—like help-seeking behaviours earlier on, even if they start talking with a friend or something, the friend might say, 'Actually, that is against the law.' It might help with the support networks and I guess just hoping that it will eventually stop it altogether, but that's probably a bit unrealistic ... It's a form of domestic terrorism ... It does get inside you and it changes who you are. It changes what you could've been and it is so damaging, but yes, it definitely should be illegal. It should. (Cherie, 31–40, heterosexual, ND, Qld)

Other victim-survivors similarly explained:

Definitely. I think if coercive control was defined as an offence, not only are people then able to go and seek support because they know this is wrong. Like, somebody takes money out of my account without my permission—that is wrong; I know that. Like, that is fraud. I would call the bank and report it. But if people knew that this was a crime, it gives them a language to go and report it, it gives them the confidence to go and seek support. (Penelope, 31–40, heterosexual, ND, Vic)

... it can be so subtle but so dangerous. It kind of—coercive control I think is one of the first red flags really that you see when you're going to a relationship that's not going to end up well. It's the way that they use coercive control. If that was criminalised ... [it may] potentially prevent people from getting into much more serious situations, and potentially save lives as well if people were able to actually understand ... If people were able to know that actually that was a criminal offence ... with family violence, often people think it has to—you have to be getting beaten. And I think that stigma is changing, and people are starting to understand that no, family violence is emotional ... But I think if people understood that coercive control was criminalised and it was a criminal offence, I just think it would protect people from getting themselves potentially any further or any deeper into a bad relationship if you know what they were doing was actually criminal. (Crystal, 25–30, heterosexual, ND, Vic)

Building on this, for several victim-survivors the inability to identify the behaviour as abusive at the time of their experience was viewed as a significant barrier to help-seeking and to leaving an abusive relationship. As one victim-survivor explained:

... this is part of the 'Why didn't I get help?' and this is why I strongly believe coercive control should be criminalised, because I didn't know that what he was doing to me was criminal ... So because he wasn't physically hitting me, I didn't have any bruises or any marks, I didn't think the police or anybody else would be in the slightest bit interested. (Joanna, 41–50, heterosexual, ND, WA)

It is notable here that within the wider survey sample only 38 percent of victim-survivors identified the abusive behaviours they were experiencing as DFV at the time of their victimisation (Fitz-Gibbon et al. 2023: 11). In this respect, victim-survivors viewed the criminalisation of coercive control as an avenue through which to better support victim-survivors' help-seeking behaviours beyond the law, and to ensure that referral pathways are put in place. As two victim-survivors explained:

I think it would probably be really good if ultimately it does become something that's criminalised; that when people go and report it that they do manage to get linked into a support group at the same time, or a support network. And I think that's really important because once you start saying something and standing up for yourself you do need people to just say, 'Yes, you're doing the right thing. Yes, you're okay. These are some options.' (Bethany, 41–50, bisexual, ND, Vic)

I was so young and so innocent, I would have gone, 'Holy shit, this is not okay and I've got someone who can help me and this man needs to be held accountable.' So yeah, it would have made a difference and if I had support and more belief in myself. I mean I managed to somehow, I don't know, get the strength to get out of it in the end. It was horrible and the abuse went on after we separated for years and years. After we separated, he went and declared himself bankrupt and left me with everything. But if the support had been around at the time and I'd known about it, and people didn't turn a blind eye to it, I could have got some help. (Bronte, 51–60, heterosexual, ND, SA)

Interestingly, what this analysis reveals is that for many victim-survivors the creation of a robust legal response was synonymous with an expected increase in available support services. By associating one with the other, victim-survivors perceived their safety would be improved. This is further captured in comments made by one victim-survivor:

I think if I had the options to report him, I would have. I just felt so unsupported in every way and in every aspect. Then would I have had to leave the town to do that? That would have been a pretty big decision because you don't have any money, that's part of the coercive control. You don't have any financial support or access to money to leave in the first place ... But yeah, I think if there'd been supports and there'd been criminalisation. (Elizabeth, 61+, First Nations, D, ACT)

The assumption that criminalisation is automatically coupled with increased availability (and by extension resourcing) of a support service, as well as a responsive justice system, is critical to understand. For many victim-survivors their understanding of the benefits of criminalisation lay in their trust that it would be effectively embedded and resourced across a whole-of-system response. This raises critical implications for the effective implementation of coercive control laws for those jurisdictions that do pursue criminalisation.

In addition to the direct benefits to victim-survivors, a smaller number also discussed the benefits for DFV service providers in terms of a shared language and greater clarity on the wide range of behaviours that constitute DFV. One victim-survivor, for example, explained:

There's a lack of understanding for both providers of services, whether they're frontline providers or therapeutic providers, whatever—as well as consumers of services—there's a complete lack of understanding and there might be a lack of confidence as well, because they don't know what they're talking about is actually a defined crime or is an activity that can be criminalised ... It's also up to the service providers to be able to coherently define it. So I think there has to be a very clear definition of what constitutes coercive control, which is hard because human behaviour is so varied. But it would be a good start. (Penelope, 31–40, heterosexual, ND, Vic)

The importance of creating a shared language across the service system has been a central focus of recent DFV reforms in several Australian states and territories. Glancing beyond the criminal legal system specifically, victim-survivors similarly recognised the need for increased understanding of coercive control across the service system. As another victim-survivor explained:

I feel that there is a need for it to either be criminalised, or for it to be recognised in DV organisations more and given more of a priority than it currently is. I know that they're overwhelmed with physical violence but raising children when you're suffering this type of emotional abuse is not healthy for the next generation. And there's a lot of women like me out there who are in this predicament, and we have children and we've got no help. (Lana, 41–50, heterosexual, D, SA)

These perceptions point to a shared dialogue between individuals with lived experience and policymakers in recent years. This has led to the introduction of legislative and practice-based guidelines to better support practitioners' shared understandings of coercive control, and to identify, assess and respond to the risk of coercive control more holistically.

Victim-survivors were also asked whether the criminalisation of coercive control would have improved their own reporting experiences and provided them additional avenues for seeking safety. Even where they supported criminalisation in principle, many victim-survivors were quick to note that it would not have improved their own safety.

As one victim-survivor commented:

The more I think about it from personal experience, I would never have gone down that road ... I'm lucky enough to have had a good education and I can see these different things and I can discern sort of arguments for and against things and I work in a role where I have a lot of support if I did want to, you know, pursue things like that. But it's just not—without addressing the cause and addressing what actually happens—you couldn't, I just can't see a way that it would have a great impact ... even looking at the trauma that would be involved in trying to charge someone with that, it's just an uphill battle. How do you win a case like that? How does anyone win a case like that? (Constance, 31–40, bisexual, ND, Tas)

Other victim-survivors reflected that they would also not have reported to the police:

Because I loved him and I didn't want to do that to him. I guess I didn't think it was serious enough to consider putting him through that in a weird kind of way. I mean, they pressed charges as it was anyway, so it was taken out of my hands, but I don't know if there had been an option for me to go to the police earlier and say, 'What he's doing is illegal,' I don't think I would have. (Lucy, 25–30, questioning, ND, NSW)

If there was a law available to me today, to say, 'Here is all the stuff like I've just described to you, and here is the outcome, and here is how it impacts my life'—would I take legal action today? I'd still be worried, because of the influence and impact that he could have on making my life difficult, based on the threats he's threatened me with in the past ... would I take it up myself? ... I'm a bit hypocritical on that front. I don't know that I would feel safe, just pursuing that, and hoping for the best beyond that, to be honest. It's a bit like getting an AVO [apprehended violence order], because you're still at the mercy of them complying with it, really. (Rachael, 31–40, bisexual-pansexual, D, Vic)

These views are picked up again in later sections of this report which analyse the degree to which the criminalisation of coercive control can improve police responses and access to justice for victim-survivors.

Criminalisation as a strategy to improve police responses

Closely related to the view that criminalisation would increase victim-survivor safety was the perception that through the process of criminalisation police would be able to better identify and respond to acts of coercive control. As one victim-survivor commented:

Yes to become criminalised so that the justice system, the police can pinpoint these behaviours and say, 'Yeah, that's not OK.' (Ariana, 25–30, bisexual, ND, WA)

To this end, the criminalisation of coercive and controlling behaviours was viewed as a way to address victim-survivors' experiences of police inaction in such cases, and the perceived unwillingness of police to take non-physical forms of IPV seriously. As two victim-survivors explained:

I was desperate for help. I was desperate for someone to believe me and to support me. Absolutely desperate ... he could do whatever he wanted, he could do what he was doing. Because if I called the police, they'd go, 'No, it's not really a crime. He's an arsehole, that's it. It's not against the law to be an arsehole.' (Lucinda, 25–30, heterosexual, ND, NSW)

If I had a dollar for every time I've had a police officer say, 'Oh, well, call us when you've been assaulted. He hasn't done anything to you.' So they don't recognise coercive control. And why would they? Because they're involved in things that you can be charged for. But even the stalking, you know? They don't even recognise that. So I actually think—I think it's an absolute necessity that coercive control becomes a criminal act. (Melinda, heterosexual, ND, Qld)

Inaction by police in cases of coercive control was linked by some victim-survivors to the police lacking an understanding of the significant safety risks for those individuals in coercive and controlling relationships. One victim-survivor commented:

Because if they're controlling where you go and what you do, and how much money you have, your phone and everything ... you even want to call the police—if the police show up and they do nothing, it actually makes it worse for victims and that's why they often don't call ... I think if that was more understood or even if they got a call like that, then don't leave the victim there. If they're calling you, don't leave them in that environment, because if someone's willing to use coercive control, that person isn't safe being left there with that person—the victim isn't safe being left there. (Olivia, 21–24, heterosexual, D, NSW)

For these victim-survivors the criminalisation of coercive control was viewed as an opportunity to expand the parameters of DFV which police are able to actively respond to, with several victim-survivors recognising that to date police have been somewhat limited by legislation in what they can act upon when attending a DFV incident. As two victim-survivors explained:

So I think it's the physical versus non-physical. You almost wish, you kind of would go, 'I wish that he had hit me,' because then at least someone might have done something. Instead of people going, 'Well, if it's not a physical thing there's not a lot we can do,' so maybe that fits in with the coercive control ... because then it would actually allow the police to do it, it would have a name instead of just this generalised non-physical. (Dominique, 41–50, heterosexual, ND, Qld)

Without criminalising it we leave the police in a very vulnerable position, and I'm really supportive of the police. They don't always get it right—no one does, none of us are perfect—but they try their best. At the moment if we go to the police station with a client or a friend that has experienced domestic and family abuse and there's not a physical incident, there's very little the police can do, even if they see all these disgusting text messages and they're threatening you with physical violence or your life—if they're just threatening to take you for everything you've got and destroy you, there is nothing the police can do. We are disempowering the police by not having coercive control as a criminal act. If it becomes a criminal act we allow the police to assist more victim survivors by being able to utilise those things and say, 'This is coercive control.' (Scarlett, 31–40, heterosexual, ND, NSW)

Victim-survivors noted the benefit of shifting police responses from a model focused on individual incidents to one that requires investigation of a pattern of abusive behaviours. This shift from an incident-based model to a pattern-based policing model is often heralded by advocates as one of the key benefits of criminalising coercive and controlling behaviour, with supporters of criminalisation noting that this would allow police to better respond to the full range of abusive behaviours experienced by victim-survivors of IPV (see Tolmie 2018). This view was held by several victim-survivors interviewed. As two explained:

... in terms of even just improving the way that investigations happen, because it's no longer a line on isolated incident-based occurrences of things which I think is a lot of how traditional crime investigation works. I think that there was a lot of promise in the idea that actually, before you even try to just prove a charge or prove something that happened, maybe find out what has happened and looking at it as a whole situation, and not just like there was this confrontation and then this one ... So, for me, in practice, it's actually forcing people to look at what has happened rather than trying to prove a charge, which I think happens a lot. Because we just try to establish who is to blame, rather than trying to establish what has happened. (Clare, 25–30, heterosexual, ND, NSW)

But with coercive control, it's looking at all these different incidents together. So we'd be able to enforce a lot better ... at the moment they say to me they've got no control—they can't do anything ... they can only act on crimes that are in the criminal legislation. So all these things—the gaslighting, the control, all of these things aren't—they're a predecessor to these major homicides, and strangulations, and stuff like that. But they're not included; they're not recognised at the moment. You're just laughed at. You're just not, you know—the police said to me, "We wouldn't look at getting you another DVO [domestic violence order] after the other one runs out, because he's stopped short of hitting you and punching you and killing you, so sorry." (Eden, 51–60, heterosexual, ND, Qld)

As captured here, a shift to policing the pattern of behaviours taking place within a coercively controlling relationship was viewed as significant in ensuring police can respond to the full range of harms experienced by victim-survivors. This is not to suggest that victim-survivors did not appreciate the gravity of the change required in policing. Indeed, victim-survivors recognised the significance of the shift in policing required for a standalone offence of coercive control to be effectively implemented. As one explained:

The police response I think is really important in this, too, because there's no real evidence that you could tell or show the police to prove that this is happening. When you're in a partnership with someone who is good at putting on a face, then it's even more extremely difficult to have anything. It's not so much the police's job, but I think changing the way that police would handle call outs, digging a bit deeper as to why they're attending, what potentially could be happening that we can't see. Maybe there's no bruises or there's no glass broken, maybe there's still something more because the police wouldn't be called if there wasn't—you know? Changing the police perspective as to what domestic violence could look like to include some things like that in the background. (Mia, 31–40, heterosexual, ND, Qld)

As recent inquiries at the state level—particularly the landmark Commission of Inquiry into Queensland Police Service responses to DFV (2022)—have evidenced, this change in police perspective, as described here by Mia, is much needed but requires a significant upskilling in the policing of DFV across Australia. Later sections of this report examine victim-survivors' views on the perceived challenges of criminalising coercive control given the high level of distrust in policing among victim-survivors interviewed.

Criminalisation as a path to increasing access to justice

Beyond the individual system points of improvement that may flow from the criminalisation of coercive control, there was a shared view among victim-survivors interviewed that criminalisation would support increased access to justice for victim-survivors of IPV. Several victim-survivors interviewed believed that their own access to justice had been hampered by the inability of the justice system—and those operating within it—to respond to non-physical abusive behaviours. As one victim-survivor reflected:

I got to court and they basically said, 'Oh, well. What's your problem?' They didn't want to hear about any of the coercive stuff. It was all just physical. (Morgan, 31–40, heterosexual, D, NSW)

Specifically, victim-survivors reflecting on their own experiences believed they would have had greater access to justice—via improved police practices and court outcomes—if coercive control had been a criminal offence at the time they experienced and reported IPV. As one victim-survivor explained:

I think it would change everything because people would start to take it more seriously. They'd learn about it. And plus you would have a leg to stand on because I'm pretty sure that there's times like—for example, when I went to court last year and I—what did I do? I offered to make it a conduct order rather than a restraining order. And the magistrate I think to her credit seemed to completely understand what was happening. But she still didn't really have a leg to stand on. Do you know what I mean? She still had to put that order on me even though it was very clear that he was getting off on it. And I just think, well, if she had had something she could fall back on and be like, 'Okay, this is definitely a case of coercive control,' it would completely have changed my life I reckon. (Bridget, 41–50, heterosexual, ND, WA)

Building on this, one of the specific ways in which victim-survivors thought the criminalisation of coercive control would improve access to justice was via the provision of expanded training and upskilling of police, legal practitioners and other key workers across the DFV system.

As one commented:

If you were open to that and you were trained around coercive control you would be asking a different set of questions and you would be open to examining those patterns of behaviour ... because every woman who has genuinely experienced those behaviours can give you example after example after example of how they experienced those behaviours and what were the impacts. (Hannah, 51–60, heterosexual, ND, Vic)

This viewpoint is critical as it demonstrates a clear assumption of a link between the implementation of a new offence and the rollout of consistent and effective training. As examined later in this report, this viewpoint highlights a strong recognition among victim-survivors of the need for a substantive training commitment to be embedded and delivered alongside the implementation of any new offence.

Perpetrator accountability and the punishment of people who use coercive control

Over the last decade the DFV reform agenda in Australia has placed increasing attention on the need to improve perpetrator accountability and to ensure that perpetrators of all forms of DFV are held accountable at different points of the system. We therefore asked victim-survivors whether they believed the criminalisation of coercive control would increase perpetrator accountability. Among the wider national survey sample, of those victim-survivors who supported or were unsure about the criminalisation of coercive control, 78 percent believed that a benefit of criminalisation would be improved perpetrator accountability (Fitz-Gibbon et al. 2023: 9).

The qualitative interview data allow us to better understand this viewpoint. Here, we examine victim-survivors' views on criminalisation as a tool to deter perpetrators and a tool to hold perpetrators to account. Closely related to victim-survivors' reflections on the punishment of people who use coercive control was a caution expressed by some victim-survivors on the consequential punishment of already over-criminalised communities.

Criminalisation as a tool to deter perpetrators of coercive control

Victim-survivors interviewed shared views that the criminalisation of coercive control would achieve deterrence by increasing perpetrator awareness of the range of abusive behaviours falling within the remit of the criminal legal system. Specifically, by expanding the remit of the criminal law, victim-survivors were hopeful that perpetrators would be deterred from committing behaviours previously viewed as lying outside the realm of the law. As two victim-survivors described:

The effect I think it will have is it will make men, in particular, know that it's not just the act of a backhand or choking or hitting someone that's deemed domestic violence. It's threatening behaviour. It's intimidating behaviour. It's controlling behaviour. It's destroying not someone's physical body so to speak, but someone's mental health. They need to know that that is just as, if not more, damaging ... If men are made aware that this behaviour is also a criminal offence, it's not okay. Because they might think, 'Well, I didn't hit her, so I'm not guilty of domestic violence, what are you talking about?' (Bronte, 51–60, heterosexual, ND, SA)

So I guess the hope would be that if this is defined as a crime, as an offence, then at least there would be a little less motivation to actually engage in it. (Penelope, 31–40, heterosexual, ND, Vic)

Criminological research on the deterrent role of the criminal law has often queried the extent to which changes in the law, and the criminalisation of different behaviours, has achieved deterrence (see Morgan et al. 2020; Trevena & Poynton 2016). Among victim-survivors there was a definite hope that perpetrators would reconsider their use of coercive and controlling behaviours if it was widely known such actions were criminal. Two victim-survivors remarked:

I can see from the community that there are—there is a need for it to be made a criminal offence so that it stops people who are habitual in this activity with every partner they have. They just think it's okay, and that's, in some cases, the only way of stopping them. And until it is made—until law is brought in around it—I think there'll be certain aspects within our community who will just continue to do it and they won't see it as a problem. They'll just see it as their right and that's the way we do things. Be it how they've been conditioned or whatever. (Karlene, 51–60, heterosexual, ND, NSW)

I think that if it's a well-written Act then perpetrators would probably think twice about gaslighting, coercive control, silly buggers, whatever you want to call it and there has to be decent penalties. (Mandy, 61+, heterosexual, D, Qld)

Some victim-survivors specifically spoke about the role of the law and the value of deterrence for future generations. Here, expectations of the law achieving broader cultural change emerged, as explained by this victim-survivor:

I'm definitely an advocate for it because it's clearly so prevalent ... Then if people are aware of what's appropriate and what's not appropriate, I hope that will change the culture for our future generations. Then dudes won't do it. If they get busted for threatening to kill people, they just won't do it. (Alicia, 31–40, bisexual, First Nations, Qld)

Critical to achieving deterrence from the victim-survivor viewpoint was the visibility and consistency of consequences. Victim-survivors reflected that, had their perpetrator been aware that their abusive behaviours may lead to criminal consequences, they would have been deterred from engaging in such behaviours. As captured in comments from two victim-survivors:

Making it an offence would actually reduce the motivation to engage in that behaviour if there were actual consequences for the offence. For right now, just for engaging in emotional abuse, nobody goes to jail for that. Unless you breach an intervention order, you're not going to go anywhere. So perhaps making this an offence and having some kind of criminal consequences, perhaps a citation on their record or the fact that they have to pay a fine or serve jail time or something, anything would help. (Penelope, 31–40, heterosexual, ND, Vic)

I think it would make the perpetrators think twice ... it would make them think. Like with my ex who would never physically—I believe would never physically hurt me, because there's consequences. If there's even risk that there's consequences ... it may actually prevent some of it in the first place. (Jessica, 41–50, heterosexual, ND, Vic)

Interestingly, a number of victim-survivors, when speaking about the role of criminalisation in deterring perpetrators from committing those behaviours, emphasised the importance of their perpetrator's public reputation and said that they believed he would have been too worried about tarnishing his public persona to commit a criminal offence. As two explained:

If it had been an offence, I do one-hundred percent believe my husband wouldn't have done it, because he is very careful not to do anything that is going to get him in trouble. He doesn't want to look like the bad guy, and the coercive control can be proven through his use of ruining my credit rating, by his controlling my money, by things that have happened with the schools. All those things would prove coercive control. Even friends now, who've seen the relationship as it's ended and the things that have happened in the past, would be able to attest to the fact that I've been coercively controlled. He would not have done those things if they were illegal. So for me, it would have hugely changed my situation. (Lana, 41–50, heterosexual, D, SA)

He was very fearful of a criminal record, or a criminal response, because he had a licence as a builder, and if there's any criminal record of whatever, he can't be one. And he sometimes said, 'Oh, you frighten me, you frighten me.' I frightened him, right? That I somehow was provoking him, that might make him do something that might mean he might have a criminal record, which might mean he'd lose his business. (Joanna, 51–60, heterosexual, ND, WA)

Criminalisation as a tool to hold perpetrators to account

Closely linked to victim-survivors' views on the importance of criminalisation in deterring offending, victim-survivors in this study believed the criminalisation of coercive control would improve perpetrator accountability. The importance of perpetrator accountability was apparent throughout the interviews. Victim-survivors held strong perceptions that at present the system does not hold perpetrators of coercive control to account. As two commented:

The perpetrator has to be accountable. Because I really don't see that men are accountable for the way they treat women. (Isla, 41–50, heterosexual, ND, Vic)

I think people need to be made accountable for taking control of someone else's life and feelings, and making them just even distrust their family to tell them ... I get quite upset about it. It's just that control, I just don't think anyone could control you that much. (Lindy, 61+, heterosexual, ND, Qld)

Several victim-survivors spoke of the importance of perpetrator accountability as an outcome of the criminal legal system. Here, accountability was framed as being achieved via consequences—whereby the perpetration of coercive control attracts a criminal legal system response. As two victim-survivors described:

I think holding perpetrators to account is the most important thing. Because as long as you're going to tiptoe around them and avoid them and focus on managing victims, I say to people, 'If you actually held him to account, me and the kids won't need anything.' There are some victims of violence who literally won't need a thing. They'll be able to get on with their lives. And the intergenerational cycle of abuse will stop. (Caroline, 41–50, heterosexual, ND, Vic)

[T]he main thing I see about it being criminalised is that it does lend itself towards perpetrator accountability and better understanding by society that this is an abuse that needs to be prosecuted. It's serious and it also shows the perpetrator that it won't be tolerated by society and by authorities. (Tegan, 51–60, D, Tas)

As captured here, and touched upon in the section above on deterrence, critical to achieving accountability, for many victim-survivors in this study, was the notion of consequences.

As two commented:

I think you've got to call it for what it is, and you've got to say, 'Is this acceptable behaviour or not?' And if it's not, then you do something about it, you have sanctions against it, right? And because this is—yeah, because it's diabolical, it has such long-term consequences for the person who is being controlled. (Stevie, 61+, heterosexual, ND, NSW)

... if it [criminalisation] is done the right way, surely it's got to make a difference. Surely they're going to start waking up and go, 'If I do this, if I continue this behaviour, it's going to have a consequence.' (Ash, 41–50, heterosexual, D, WA)

As shown here, victim-survivors often spoke about the importance of consequences without specifying what those consequences should be. However, a small number of victim-survivors expressly discussed the importance of punishment and the belief that perpetrators of coercive control should be imprisoned for their abuse:

... do I think that, like, the sick motherfucker should go to jail for what he did to me? Abso-fucking-lutely ... In all honesty with you, when I was still with him, I was praying that I'd go to fucking prison ... so I could have a break. I'm fucking exhausted. I wasn't allowed to sleep in for four years ... it was literally hell. I used to say to him, 'I think I died ... and now I'm living in my own personal version of hell.' (Bella, 31–40, queer, D, WA)

Coercive control is a borderline hostage situation. If somebody's held hostage, the person that holds them hostage goes to prison, at least three years. If somebody's coercively controlling another human being, they are pretty much doing the same thing. When I talk to my counsellors about that situation, I say, 'Yeah, I was held hostage for 10 months.' And I think coercive control should be a minimum of three years. I think physical abuse should be a minimum of 10 years and I think murder by domestic violence should be life. Straight up, that's just how it is ... I think coercive control, 100 percent, should be criminally chargeable. (Samara, 31–40, heterosexual, D, SA)

Another cited the community protection benefits of imprisonment. She commented:

I think the guy who was violent with me, he would have gone back to jail instead of being out on the street. Because whatever happens with me, I've moved on and I get my therapy and all that. But what about the next woman he gets involved with? She might not be able to leave. Maybe he gets her pregnant, or whatever. (Alexa, 41–50, First Nations, D, Qld)

Demonstrating that views on imprisonment and punitive responses were not uniformly held among victim-survivors interviewed for this study, there were also victim-survivors who supported the criminalisation of coercive control but were adamant that they did not support imprisonment as the primary penalty. As two victim-survivors explained:

I'm for criminalising it, or I don't know what the other word is, when you don't have to go to jail, but you have to [do] some sort of counselling or work on it ... I think, would I have wanted [my partner] in jail? No, I wouldn't because I don't think jail is the answer. I think it's more that the courts should have recognised it ... I know that sounds complex, but I just think at that point, it's a crucial point when someone could have with a little bit more conversation, could have found out what was going on ... at the end of the day, we don't want more men, in my case, going into jail and ending up with more personality traits that come out and kill women. Yeah, we want a better answer than that. (Edwina, 51–60, heterosexual, ND, Vic)

I don't think that's a wise way to go about it and I've been reading a lot about less jails and more counselling work to help people and I think that's probably the way we need to go, but it requires a lot of money and a lot of resources that I'm not sure people are willing to put into it. (Rita, 41–50, heterosexual, ND, WA)

To this end it was clear that not all victim-survivors equated criminalisation with the necessity of a punitive systems response. Reflecting on her own experience with a father who was imprisoned, another victim-survivor commented:

I'm very, very conflicted. My father subsequently went to prison and has spent a fair chunk of his adult life in prison, or at least from 30s through to 60s, the last 20 to 30 years in prison in stints. I don't like the person that comes out and I don't know that it does any good. In fact I know it doesn't do any good. It brings him into contact with people who are harder criminals and better at being criminals than he is. What comes out is not a better person. What my concern is that we are going to put more men into prison and they're not going to come out better. Do I think it's a crime? Yes, I do. Do I think it should be—there should be consequences? Yes, I do. I just don't think prison is the answer. So the answer is yes, but no. (Susan, 41–50, heterosexual, D, Vic)

From this viewpoint, it is essential that the criminalisation of coercive control is embedded alongside the continued development and implementation of a suite of perpetrator interventions across Australian state and territory jurisdictions—a suite that embeds penalties beyond imprisonment. Some victim-survivors interviewed identified the need for increased funding of education, behaviour change programs and counselling services for people who use coercive control. As captured in the comments from two victim-survivors:

We need some kind of rehabilitation and education programs. I know that there's so many mixed reports about how well they work and how many men gain [from] them. But prison doesn't work either. Whatever we do, we're damned if we do and we're damned if we don't. I just think education, I think if I look at the men; you know I love my own father, he's an abuser, but I love my own father. I would want him to get help if I felt I could get it for him. Yeah, I just know that prison hasn't spat out a better person. (Susan, 41–50, heterosexual, D, Vic)

I actually probably think if we want it to stop, we probably do need some sort of counselling for perpetrators as well so that they are able to stop their behaviour. As much as I just want people to be punitive and punishment, I want it to stop, so we probably need to have some sort of counselling in place to help the perpetrators as well, maybe understand their actions and why they do that. (Rita, 41–50, heterosexual, ND, WA)

As noted in the introduction to this section, there has been significant investment in recent years at the state and territory level across Australia to develop and deliver a wider range of perpetrator interventions, in particular men's behaviour change programs. While the evidence on the degree to which such programs are effective in achieving any change in behaviour remains limited, there is continued recognition that they have a role to play in system responses to DFV. Further, engaging perpetrators in accredited behaviour change programs is written into Australia's National Plan to End Violence against Women and Children 2022–2032 as one of the critical components through which elimination of gender-based violence will be achieved (DSS 2022: 29). In this context, a small number of victim-survivors noted that by introducing a new offence a larger number of perpetrators may come within the remit of the court system and be eligible for court-mandated men's behaviour change programs.

This was viewed as a positive flow-on effect of the criminalisation of coercive control. As one victim-survivor remarked:

They [magistrates] can mandate people to attend domestic violence perpetrator programs. But if nobody's recognising these guys as domestic violence perpetrators they're never going to get sent to those programs. And they will never voluntarily go, because that means admitting they do it, and they're not going to do that. (Joanna, 51–60, heterosexual, ND, WA)

It is important to note here the perpetrators of coercive control are recognised as DFV perpetrators under most state and territory DFV protection legislation, and magistrates therefore have (and exercise) the capacity to make program referrals in the absence of DFV-related charges being laid.

Regardless of the specificity of the penalty, central to achieving the goal of perpetrator accountability for victim-survivors was consistency and certainty of outcome. As two explained:

So I think unless they can come up with a real watertight way of making it stick, it's not going to be beneficial because perpetrators just get smarter and sneakier. (Ash, 41–50, heterosexual, D, WA)

At least society is saying 'no'. It's on their record, and the society is saying, 'No, this is not okay, you have done this. This woman, this woman and this woman have all given affidavits describing exactly the same behaviour, that and that, and you've been found guilty, and this is the consequence.' (Joanna, 51–60, heterosexual, ND, WA)

The perceived lack of consequences for coercive control perpetrators in current system responses to IPV was positioned by one victim-survivor as creating a system whereby victim-survivors are held accountable for securing their own safety, but perpetrators are not held accountable for their abusive behaviours. As one victim-survivor explained:

I think one of the biggest issues at the moment with domestic violence is that there is so much responsibility on the victim to make themselves safe. And there is not enough responsibility and accountability on the perpetrator to behave in a way that is not harming other people. And I really think that that needs to switch: that the accountability shouldn't be on the victim, which needs to change to be on the perpetrator. (Joy, 31–40, heterosexual, ND, Qld)

This quote captures a fundamental shift in responsibility that was evidently sought by victim-survivors in this study, and which extends beyond debates surrounding the criminalisation of coercive control. At a broader level, throughout the interviews victim-survivors often lamented the frequency with which they felt responsible for the violence committed against them, responsible for their own safety and responsible for ensuring their security beyond the abusive relationship. The criminalisation of coercive control, for some, was viewed as one way that the system could begin to rebalance and to hold people who use coercive control responsible rather than the victim-survivors themselves.

The impact of punishment on over-criminalised communities

A number of victim-survivors interviewed acknowledged that the criminalisation of coercive control would likely have disproportionate impacts on First Nations communities, as well as other diverse communities across Australia which have historically experienced disproportionate attention from, and fraught relations with, the police and justice system (on this, see among others, ACON 2021; InTouch Multicultural Centre Against Family Violence 2021; Sisters Inside & Institute for Collaborative Race Research 2021). As one victim-survivor explained:

I just have so many reservations and fears for things like how it will disproportionately affect Indigenous communities or Indigenous individuals, especially from a policing side ... So I think that it is definitely going to be a positive for a lot of women, but I have reservations about it also being weaponised against a lot of other women. And not even just women, just in general; non-hetero relationships, for example. I think that there's a lot that we don't even really understand that well about non-cis relationships, but like vulnerable populations like disabled people. (Clara, 25–30, heterosexual, ND, NSW)

Another interviewee who, in addition to her own experience of violence, reflected on her work with Aboriginal and Torres Strait Islander communities, commented:

I know that liberation only comes when all are liberated. And I feel like the coercive control stuff that's happening in New South Wales, particularly right now, we need to do something for women right now, but is it only certain types of women that have got to be safe? (Charlotte, 21–24, heterosexual, D, NSW)

There was also a broader recognition among some victim-survivors interviewed that the application of any new law would differ according to who the victim-survivor was. Several interview participants noted that for 'ideal victims' the introduction of a specialist offence of coercive control may be a positive step forward, but for victim-survivors from marginalised backgrounds the impacts were likely to be less positive. For example, one victim-survivor who identified as a sex worker noted:

The only thing I'm mad [about] is, like, my fear of it being criminalised. It's just going to be another thing that the police selectively prosecute ... when it's a girl like me, they don't give a fuck. (Bella, 31–40, queer, D, WA)

In a similar vein, another participant commented on the role of credibility and perceived victim worthiness:

I worry about the sort of potential consequences in terms of inadvertently just—yeah, how it can be turned back on victim survivors and just how there can be kind of a hierarchy of who's a believable survivor and that sort of thing. But I mean those problems exist in all sorts of criminal law responses. (Gail, 25–30, bisexual, D, Vic)

In contrast, however, there were some victim-survivors who believed the law, as it is presently constructed, is not working and that the criminalisation of coercive control may in fact address some of the poor policing outcomes experienced by First Nations communities. Understanding the impact of any new laws on First Nations communities in particular but all marginalised and diverse communities more broadly is absolutely critical for those jurisdictions that proceed with criminalisation. It is essential that the risks of over-criminalisation and adverse impacts are not an afterthought but a forethought and that communities are embedded in the design and implementation process to best protect against the (all too often observed) unintended consequences of criminal law reform in this space.

Recognition of the risks of criminalisation and the harms of the criminal legal system

Throughout the interviews, victim-survivors often reflected on their own experiences with the criminal legal system. Here there was shared recognition of the limits of criminalisation and the potential harms of the justice system's response to different forms of DFSV. This section of the report examines five key themes evident in victim-survivors' views on the limits of the law. These include their questioning of the adequacy of existing laws, distrust of police and fears of misidentification, the often shared perspective that police are not well equipped at present to respond to coercive control, the trauma of engaging with the criminal court process, and the challenges for victim-survivors in proving coercive and controlling behaviours to the requisite criminal law standard of proof.

Questioning the adequacy of existing laws

Among those victim-survivors who either opposed or were undecided on the criminalisation of coercive control, there was a shared concern about the inadequacy of existing legal responses to different forms of DFV. This impacted their confidence that the criminalisation of coercive control would lead to improved outcomes for victim-survivors of IPV. The inadequacy of legal responses to violence against women is well documented in Australia and elsewhere, particularly in the growth of recent scholarship calling for a move away from the traditional reliance on criminal legal system responses (see Goodmark 2023, 2018; Nancarrow 2019; Tolmie et al. 2018; Walklate & Fitz-Gibbon 2020).

Throughout the interviews, several victim-survivors questioned why they should believe that the criminalisation of coercive control would improve police and court responses when current legislation was often poorly used and lacked funding, as captured in comments made by two victim-survivors:

... there's not logic behind new laws that will fix it when the old laws still aren't working ... I personally believe that every perpetrator of coercive control would also cross the line into intimidation and stalking in particular. So if those two were enforced correctly, you would capture definitely the vast majority of people who have committed coercive control. (Holly, 41–50, heterosexual, First Nations, ND, NSW)

I also feel that there are some laws already in place that aren't being used, such as enforcement of intervention orders. And particularly male police not taking these things seriously. If they're not going to take intervention orders and domestic violence seriously, having a law there called 'coercive control' won't change their empathy, and the amount of work that they do. (Isla, 41–50, heterosexual, ND, Vic)

Building on this, many victim-survivors questioned why police in their jurisdiction were not using the laws already at their disposal, and why new criminal laws would make a difference when existing criminal and civil laws were not being fully used. Interestingly, even among those victim-survivors who supported the introduction of a coercive control offence, there was a clear recognition of the inadequacy of the operation of current laws and approaches to policing. As one explained:

I do support it, but there needs to be a lot more cultural education and change that happens. Current legislation isn't ... funded and actually executed correctly by police. And some would argue that the current policy is not fit for purpose. So I guess one of the concerns I have is that we're about to embark on a new policy, when the policy we already have doesn't work for the people who need it. (Victoria, 41–50, heterosexual, ND, ACT)

For these victim-survivors there was a concern that a new offence of coercive control, while symbolically important, may also fail to be used and may not result in any significant safety and justice gains for victim-survivors. As one victim-survivor commented:

I think that coercive control will fall into the same category. It'll be very hard for someone to actually be convicted on it and it will take many, many years for it to then become a well-utilised piece of legislation. (Harriet, 41–50, heterosexual, ND, WA)

Victim-survivors' concerns as to the difficulty of 'proving' coercive control to the requisite legal standard, as touched upon here, is explored in more detail in later sections of this report.

Distrust of police officers and fear of misidentification

Beyond recognition of the inadequacy of existing laws to secure women's safety from IPV, a frequently shared view among victim-survivors interviewed was that their prior experiences of policing and their distrust of the police generally meant they lacked confidence in the ability of police to effectively implement any new offence. This viewpoint was expressed by victim-survivors who supported criminalisation in principle but who expressed significant concern as to how police would enact the offence, as well as by victim-survivors who opposed criminalisation, in some cases due to their prior negative experiences of policing.

The lack of trust in police was often closely associated by victim-survivors with concerns as to how the offence would be implemented, and whether police would support victim-survivors by using the new law. This was captured in remarks made by several victim-survivors throughout the interviews:

I don't know how confident I would feel about them [the police] enforcing something like that, that's already difficult to define, and whatever. (Rachael, 31–40, bisexual-pansexual-queer, D, Vic)

I don't have much faith in the police to be honest. (Susanne, 51–60, asexual, D, Vic)

Police aren't going to be good to women, they're not going to enforce it, they're not going to help us. And I truly believe that—I think the system just, I just can't see it working ... So my fear is how will it be enforced, and to what extent. (Tatum, 41–50, heterosexual, ND, Vic)

Victim-survivors' own negative experiences with the police were often cited during the interviews as influencing their views on the criminalisation of coercive control and the likelihood that police could effectively implement a new law. Negative police experiences varied significantly—from inaction, to feeling disbelieved or ignored, to receiving no response. As one victim-survivor described:

I've had a couple of extremely good officers, I have to say, but unfortunately the majority—and maybe it's a bit different now, but I doubt it—I've been laughed at. I've been laughed out of police stations, I've been told that I'm over-reacting, I've been told that it's just guys being guys, or that he's just got a bit het up and he just needs to calm down, that that's what guys do. I can think of one specific police station I just walked out of in tears. They made me feel so bad for going there, and I could get this guy into trouble, he's a professional; do I want to do that? It's just—yeah, I would never have believed it if I hadn't experienced it. And the same with some courts. Yeah, it took me a very, very long time, and I think three tries, to get an intervention order. (Janine, 41–50, heterosexual, ND, Vic)

Similar negative experiences with the police were described by other victim-survivors as impacting their belief that an offence of coercive control would improve their own safety. These viewpoints highlight the need for the criminalisation of coercive control, where it is pursued, to be accompanied by a significant exercise in improving police legitimacy as safe and effective responders to DFV.

A number of victim-survivors identified experiences or a fear of misidentification—the process by which police inaccurately identify the person most in need of protection as the ‘predominant aggressor’. Misidentification has been increasingly recognised and referred to in the Australian context (see Nancarrow et al. 2020; Reeves 2021, 2020). These victim-survivors often expressed concern that police should not be given additional powers and a widened scope of behaviours until existing concerns were addressed. As one victim-survivor commented:

I think that there needs to be a lot more work done in that area and in fixing those existing issues before we should be giving police more powers and more control, and the subjectivity of the laws gives police even greater power to twist something ... So I just don't think that you can create new laws and then retrospectively fix the old ones that already aren't working ... So at this point in time, I'm completely opposed to the criminalisation of coercive control, because I feel like it just gives more power to police ... I can completely understand the theory and, in theory, it sounds like it makes a lot of sense. But the practical implementation is we've got people like myself that have been charged. There are hundreds of Aboriginal women, DV victims, in prison now. So the practical implementation of the current laws aren't working. We've seen way too many stories of women that have gone to the police for help and ended up being the person who's being charged or let down by the system ... So I just think that more laws, on top of existing laws that aren't working, is only going to give police more powers. (Holly, 41–50, heterosexual, First Nations, ND, NSW)

This viewpoint was not unique among victim-survivors interviewed. A number of victim-survivors described a fear that the introduction of a new offence of coercive control could increase the misidentification of victim-survivors as the predominant aggressor. As one explained:

I just don't think that having more tools available to the police, giving them more funding, giving them more power over their lives; I was like, I just don't think it's going to work. It's not going to do what we want. Because at the same time, there's lots of things you don't get out of a police process that you might want after something really horrible has happened to you. What are the other options? No one's talking about the other options. And I'm like, maybe we could move outside of criminalising coercive control. (Rebecca, 25–30, heterosexual, ND, ACT).

Others expressed similar views about the risks of misidentification, noting it influenced their support of any new legislation:

I'm holding off on the opinion that new legislation needs to be introduced because I do have concerns that there would be vulnerable women in the community where it might be used against them ... I would be very concerned that it would be held over the heads of women who are already under the control of the perpetrator ... I think it can be abused by the wrong people so we need to make sure that the police and the court system are aware of that. (Taylah, 61+, heterosexual, ND, Qld)

Again, it's like the non-primary aggressor in DV situations. And if we know that happens, then how can we be sure without proper training and education on what coercive control is, that it's going to be used in the right way? So I think that it is definitely going to be a positive for a lot of women, but I have reservations about it also being weaponised against a lot of other women. (Clara, 25–30, heterosexual, ND, NSW)

Recognising the adaptability of perpetrators as well as the myriad ways in which systems and reforms designed to improve outcomes for victim-survivors have been manipulated and used against them, several victim-survivors interviewed expressed fear that perpetrators would use the new laws to their advantage. As two victim-survivors commented:

I am very worried that it can be used by the perpetrator ... this will give another weapon for them to use, and that's a serious—that's a serious worry. (Deborah, 61+, heterosexual, ND, Vic)

When you're looking at perpetrators and narcissistic perpetrators in particular, they can often weaponise this information against the victim and the system is very good at supporting them to do that. (Annette, 41–50, heterosexual, ND, NSW)

Recognition of the ways in which perpetrators abuse the system to further their control and abuse of their partners, often referred to as legal systems abuse (Douglas 2018), led to a focus among some victim-survivors on the care that must be ensured when drafting relevant legislation. As one victim-survivor explained:

In my personal opinion whoever writes the law is going to have to be so educated and know every loophole because, believe me when I tell you, my perpetrator would use that law to get off, not to be charged. So unless that law is watertight I think it could actually be a really scary law. I believe coercive control needs to be out there, like it does need to be—there needs to be something, but oh my God, it's going to have to be good. (Mandy, 61+, heterosexual, D, Qld)

Interestingly, even among those victim-survivors who had not experienced misidentification themselves, there was still an awareness among some of the risks of misidentification. As one victim-survivor commented:

I'm holding off on the opinion that new legislation needs to be introduced because I do have concerns that there would be vulnerable women in the community where it might be used against them ... I think there are some perpetrators that will instigate cross orders when they're not appropriate ... I think because based on the fact that many perpetrators take out a cross order, I think that would be a situation where they would also abuse the coercive control legislation because police still don't really have a thorough understanding of what that is ... I think it can be abused by the wrong people, so we need to make sure that the police and the court system are aware of that. (Taylah, 61+, heterosexual, ND, Qld)

During the interviews, victim-survivors were invited to reflect on whether the existence of a coercive control offence at the time of their experience would have improved their own safety or justice outcomes. A distrust of police to accurately identify the predominant victim-survivor, as well as fears of misidentification, emerged among responses to this question, as captured in the viewpoints shared by two victim-survivors:

I would be the one who was in jail. I would have a criminal offence against my name by now ... he would have instrumentalised that type of offence immediately. I would have a criminal mark against my name. I work in government. I've got a security clearance. I wouldn't have my job right now or I would lose my job. (Tarleigh, 41–50, heterosexual, ND, Vic)

Maybe I'd have sought help sooner, maybe they would have recognised the stalking and what-have-you as being a criminal form of abuse, but it already is. However, 90 percent of me firmly believes that I would be able—there'd be more chance of them trying to twist something against me for something that he said because of the subjectivity and coercive control and that is my big fear. I am both an Aboriginal woman and a victim of OIV [officer involved domestic violence] and my trust in the system is completely shattered. (Holly, 41–50, heterosexual, First Nations, ND, NSW)

Beyond misidentification, closely associated with this expressed distrust of the police, was an acknowledgement among some victim-survivors interviewed that the introduction of any new laws would do little to shift the culture within which they are embedded, a culture that was described by some victim-survivors interviewed as misogynistic, patriarchal, and overall unsafe for victim-survivors. As one victim-survivor explained:

I don't know that the police responses were necessarily better. I think that won't really change until a lot of the older or misogynistic police are out of the force. (Diane, 41–50, heterosexual, First Nations, ND, Vic)

They seem to be quite lazy, and they seem to be—or this might be my experience—most times they're being chauvinistic and told me they're too busy. I've seen that with my friend. So I am concerned that it's not enough. (Isla, 41–50, heterosexual, ND, Vic)

Importantly, there were a small number of victim-survivors who noted that, as a result of the coercive control they were experiencing, they would have been unable to report to the police, regardless of the existence or otherwise of a specific criminal offence. This point has been previously noted in debates surrounding the criminalisation of coercive control, whereby Walklate, Fitz-Gibbon and McCulloch (2018) have noted that the effective use of a new offence would rely heavily upon victim-survivors of coercive control being willing and able to report to police. This is a definite challenge given the 'degree of isolation, surveillance and compelled obedience in women's experiences of coercive control' (Walklate, Fitz-Gibbon & McCulloch 2018: 121). This perception emerged from several interviews with victim-survivors reflecting on the nature of coercive control and the associated challenges of reporting to police.

As one explained:

I'd like to say logically, yes, but I think, to be really honest with you, my answer would probably still be no. Because that's the whole point of control, isn't it? You are controlled. You feel like you don't have another way. You feel like it has to be this way. So, even though it may be a criminal offence to do that, but there's also still the other part, the social part of it. Like, I want this relationship. I want him to change. I want this to work. I'm not confident that I will actually be protected if I do this. And, in fact, if I do speak out, if I do talk to the police, will this make it worse for myself? So those are the things that I would probably be thinking of if I knew that coercive control was a criminal offence. I probably wouldn't change what I did. I would probably largely still be quiet. (Cindy, 31–40, heterosexual, ND, WA)

For those states and territories in Australia that do introduce coercive control laws—including in New South Wales, Queensland and South Australia, where commitments have already been made to do so—this reflection is critical. Addressing the barriers victim-survivors experience in reporting their experiences of coercive control to the police will be essential to ensuring accessibility and effectiveness of any new offence. We also note that reporting of criminal behaviours can occur via third parties. Given the focus of this report, on victim-survivor views, this issue is not explored here.

Perspective that police are not well equipped to 'police' coercive control

Building on this expressed distrust of police among some victim-survivors interviewed, there were also victim-survivors interviewed who believed that police officers are not well equipped to 'police' coercive control, and that this will significantly limit what can be achieved via the implementation of a standalone offence. Presently, jurisdictions across Australia are at different stages in moving towards a specialist policing model for DFV. While some jurisdictions, such as Victoria, have rolled out specialist family violence police commands, other jurisdictions—including New South Wales, for example—have to date largely adopted a generalist approach to the policing of DFV, though the NSW Police Force did introduce a program of coercive control training recently as part of preparing for the implementation of the new offence of coercive control (NSW Government 2024). In England and Wales, in the almost 10 years since the offence of coercive and controlling behaviours was introduced, domestic abuse training has been delivered through the College of Policing, with research highlighting the importance of specialist training on police responses and investigations (Brennan et al. 2021). It was found, however, that often the effects of training were short term, highlighting the need for sustained investment in ongoing police training in this area (Brennan et al. 2021).

For victim-survivors in this study there was a commonly shared view that the policing of coercive control is highly skilled work. As two victim-survivors commented:

It's hard enough for women who are surviving these situations to own up to the fact that 'Yes, I've got broken ribs' or 'I've got cigarette burns' or whatever—like really overt physical injuries—it's hard for them to be able to say, 'Yes, he did that to me.' But to take it to the next step—because many of the coercive control behaviours are so shameful. Sure, 'he hit me,' everybody can understand that. But 'he makes me sit on the floor when we eat' or 'I'm not allowed to choose my own clothes' or 'I'm not allowed to laugh', I think it will take highly skilled specialist police—which is, of course, a dream that I hope to see in my lifetime come to fruition, police who will be able to bring those stories out when they interact with survivors. (Maud, 61+, heterosexual, ND, NSW)

I don't think the people that work in this, especially for example the police, I don't think they have enough knowledge about domestic violence—especially about personality traits. So how are we going to criminalise this? Because these people, psychopaths, they're great liars, and they manipulate a lot. And that was my fear: who is going to trust me, because he's so good? He's scratched his face, and he went everywhere saying that I did that. He even called the police saying that I was having a meltdown, that I was going to jump from the balcony. And then the ambulance arrived there with the police ... they [have] very many qualities, they are very controlling, they are very intelligent—they're very good at speaking ... So what I'm afraid is that we don't have enough knowledge and [preparation], to deal with that. So it can be tricky—it can be unfair sometimes. (Phoebe, 41–50, heterosexual, ND, Vic)

Building on this, other victim-survivors similarly highlighted the importance of adopting a specialist police approach where coercive control is criminalised. Another victim-survivor explained:

I would find it quite difficult. It would have to be, I think, a taskforce or something that's really well trained in the types of coercive behaviour and control and that sort of thing, not just someone that's had a couple of weeks' training on how to spot the coercive controlling signs and things like that, and I think it has to be quite in-depth because I certainly would not go to the police. (Meredith, 51–60, heterosexual, ND, Qld)

The type of specialist model described here, as well as those implemented in part or in full in other jurisdictions, are highly resource intensive and necessitate a significant investment. Victim-survivors touched upon the consequences of not making this investment, with one victim-survivor describing the likely impacts on those reporting their experience:

If you're trying to explain what happened and how this person gaslights me and when you're already feeling mentally probably vulnerable and in a position of such—what's the word?—like you feel basically just so vulnerable and I don't know that you can trust the police necessarily to understand that unless they're highly trained. Most average police officers, just in average roles, would scoff at you. I think they would just be like 'No, you have to be clear about what happened.' (Sophie, 41–50, heterosexual, SA)

For this reason, training of police, as well as other legal practitioners, was highlighted by victim-survivors as an essential precondition of criminalisation. As two commented:

We have to make sure that there's the funding to train the police effectively—and train the support services effectively so that they do recognise it—so we're not dealing with that person who's on the front desk that's just come out of the academy and had half a day's DV training ... That's the issue. It's not whether the police see it or not, it's that they're not spending enough time in the academy doing DV training when it's such a massive part of the job that they all do. (Scarlett, 31–40, heterosexual, ND, NSW)

You can't just make the legislation and then walk away and say, 'Okay, now sort it out'. There has to be a whole lot of training involved in it as well before it's actually going to work ... So I think there has to be a lot of training. But whether or not the dollars will be pumped into that or not is another thing. (Elizabeth, 61+, First Nations, D, ACT)

Importantly, victim-survivors stressed that training needed to be ongoing. As one commented:

I think training needs to be regular and frequent. I think people have to be assessed as to their attitudes towards family violence, towards women in general, towards gender inequality, towards coercive control. And I think there needs to be 360 degrees feedback. (Caroline, 41–50, heterosexual, ND, Vic)

As several Australian jurisdictions are currently implementing new coercive control laws, the primacy with which victim-survivors stress the importance of training should be held at the forefront. For these victim-survivors their prior experiences of police responses to the IPV they experienced highlight the likely gap between the intention of any new law and the reality of its implementation, if introduced without the required time, funding and evidence-based approach to the upskilling of police officers, as well as other legal practitioners, including magistrates and lawyers.

The trauma of engaging with the court process

Beyond the policing stage of the criminal legal system, interviews with victim-survivors also acknowledged the significance of the trauma for victim-survivors of engaging with the courts. This is unsurprising given the significant prior research in Australia and countries with comparable adversarial justice systems documenting the ways in which women victim-survivors feel discredited, blamed, undermined, silenced and ignored through their engagement with civil, criminal and family court processes (see, among others, Douglas 2021b, 2012; Hunter 2008; Meyer 2011).

Throughout the interviews, victim-survivors acknowledged the lack of safety in court processes and raised concern that the criminalisation of coercive control would do little to address broader problems in the treatment of victim-survivors of DFSV in the court system. As two victim-survivors commented:

I see how women who are physically and sexually assaulted are treated by the court system and I worry for victims that the court system isn't made to help victims ... I see women who are sexually and physically assaulted being retraumatised by what they have to go through in court, and men's right advocates and all the rest, how they behave towards women who come forward. And I worry that women aren't going to get the outcomes that they want. (Laurie, 41–50, bisexual, ND, NSW)

I think my personal opinion is that the justice system and the policing system can be very—it can come from a patriarchal mindset. And that it could be traumatising for women to be reporting those behaviours, not being believed, or if they're reporting those behaviours and are being believed and then it's going through the justice system that they then have to go through that disclosure process again. I guess they have to prove what the perpetrator is doing and that there is that risk that the perpetrator could be found not guilty. And that the victim who is experiencing that domestic violence could be disempowered through that process. (Joy, 31–40, heterosexual, ND, Qld)

The process of giving evidence in court as a victim-survivor, examined in more detail in the following sub-section, was specifically pinpointed by several victim-survivors as a particularly traumatic point of the coercive process. As one remarked:

The trauma that's involved with the court system means that eventually the woman's so traumatised she'll just give up because she can't do it. (Vera, 61+, heterosexual, ND, Vic)

Some victim-survivors, including several who supported criminalisation, acknowledged the effective implementation of an offence of coercive control is likely to come down to the individuals who operate within the system. Connecting back to the earlier analysis of the necessity of policing training, one commented:

I think perhaps in the system, in the court, if someone goes to the police to sort of report on these behaviours, it'll be kind of like someone reporting a rape where it depends on the police officer, it depends on the time of day, it depends on the circumstances, that sort of thing—if that makes sense. (Ariana, 25–30, bisexual, ND, WA)

Recognition of the trauma experienced by victim-survivors when they engage with the court process also informed recommendations victim-survivors made as to how the offence should be implemented. For example, one victim-survivor proposed:

In terms of the actual criminal kind of process and the court processes, ideally never ever put the victim in the same room as the perpetrator, especially when giving—answering the questions. Because straight away it just throws you, you can't think, you're living in terror back again and you're not going to be able to speak coherently. So it would have to be done in such a way that the person's story ideally could be given once, and not have to recount it over and over ... So the ways of capturing it would need to be important.

Protection of the witness would need to be important. (Dominique, 41–50, heterosexual, ND, Qld)

This viewpoint is a critical one, as it highlights the importance of ensuring the process of implementing any new offence of coercive control in the court system is undertaken with the service users—victim-survivors—in mind so as not to replicate the trauma of engaging with the court process, whether civil or criminal, so heavily identified and critiqued by scholars to date.

The challenge of 'proving' coercive control beyond reasonable doubt

Closely associated with victim-survivors' descriptions of the trauma of engaging with the court process were their views on the likely difficulties victim-survivors would encounter in 'proving' their experiences of coercive control to the requisite legal standard. In the criminal law, this requires proof beyond reasonable doubt for each element of an offence. For victim-survivors who were undecided or not in support of criminalisation, the perceived inability to evidence the coercive control they experienced was a critical factor. Throughout the interviews victim-survivors questioned how they could have done that, and what would have been expected of them if they had sought to have their perpetrator charged and convicted for their coercive and controlling behaviours. This was captured in the comments of two victim-survivors:

How can you regulate 'He said this to me, and it broke my spirits, or hurt my feelings, or my self-esteem', or whatever? It's so subjective, for each individual person and couple, that it's so difficult to navigate that, I think. (Rachael, 31–40, bisexual-pansexual-queer, D, Vic)

It's really hard to prove. It messes with your mind when someone takes away your psyche and your sense of identity and your sense of self and your boundaries—something that, what, six years later I'm still learning that I have a right to have. It takes years to come back from [but] bruises heal. (Lucinda, 25–30, heterosexual, ND, NSW)

Interestingly, recognition of the challenges of proving coercive control was not unanimously held by those who opposed criminalisation, but was also expressed by those victim-survivors who supported the introduction of a standalone offence, as illustrated by two victim-survivors:

I think it should be [criminalised]. But it would be very difficult to prove. You'd have to have a diary and you would have to write down every single behaviour and then you would have to then start identifying the pattern, which is very difficult to spot, even if you document everything. It's just this overall theme of there's this undercurrent of hostility and malevolence towards you. And it's confusing because the words spoken are in direct contradiction to that. (Chloe, 51–60, heterosexual, ND, Vic)

Ideally, yes. But practically, no. I'm struggling to see how you could gather enough evidence to make it a criminal activity, if you can see what I mean. My ex-husband would deny categorically ... There's no proof of it, but there's no physical evidence that he did anything ... Look, I'd like it to be, but I'm not sure how practical it is. (Fiona, 51–60, heterosexual, ND, Vic)

Building on this, victim-survivors recognised the tendency for allegations of IPV to involve problematic 'he said, she said' narratives, whereby the credibility of the victim-survivor and their account is scrutinised. It was felt that an offence of coercive control would be likely to give rise to such legal contestations. As two commented:

... it would be so hard to provide a court with evidence. So I'm not against it, but at the end of the day it's 'he said, she said'. (Renaë, 41–50, heterosexual, D, NSW)

I worry how it will be able to be proven. My ex, for instance, he had everything in his name. I was forced to use a bank account in his name. Well, now he's turned around and said that I was financially controlling, and I made him set up a bank account in his name for me to use. So, you know, I just keep—you feel as though you're climbing up that ladder and you get knocked back down, you know? You go into a slump for a couple of days, and then I fight back again. Yeah, the system is the biggest hurdle. (Karla, 51–60, heterosexual, D, Qld)

Relatedly, victim-survivors foreshadowed the challenges of communicating to a jury—where trials are not undertaken as judge alone or decided upon by magistrates—their experience of non-physical forms of IPV. As one victim-survivor questioned:

I don't know how you could get a jury to convict someone of coercive control when it's controlling what a woman wears and eats and who her friends are and all those sorts of things. (Laurie, 41–50, bisexual, ND, NSW)

A number of victim-survivors described the difficulty of evidencing coercive control without an act or pattern of physical violence that they could readily point to. As two explained:

I don't know how effective it's going to be as far as prosecution and really going through the criminal justice system. I think that's already so fraught as far as domestic violence goes, it's just that that prosecution step is so difficult, and I think when you're talking about something as difficult to put your finger on as coercive control, it's difficult to prosecute something like that. How do you prove what's happening there? Even when there's actual physical violence it can be quite difficult to prove ... So something tangible to go, 'Well, this is not okay,' and the police could then put their finger on it and go, 'Yeah, that's not okay.' And I don't know if actually having legislation around coercive control is going to make it easier to put your finger on it and go, 'Yeah, that's crossing a line.' I don't know. It might. It might not. (Lucy, 25–30, questioning, ND, NSW)

You're not talking about a concrete thing. If a woman has obviously a broken arm, then yes, you can see that that is an injury and then you would be up for some kind of criminal charges, but with the abuse that I've had, which is severe emotional abuse, then you can't see my scars. They're on the inside. So then it's the 'he said, she said'. Particularly these perpetrators who are so verbally adept and so manipulative of the system, it makes it very difficult. (Vera, 61+, heterosexual, ND, Vic)

Building on this further, another victim-survivor reflected on her own experience of abuse and the challenges she would have faced in proving her own victimisation to the criminal standard required, had coercive control been criminalised at the time. As she explained:

All of it seems very minor and very subtle over the years [so] it's extremely difficult to prove that, and at the same time you're so conditioned into being gaslit that you believe that actually it was your choice to stay anyway, it was your choice to make those decisions, to isolate yourself and to do whatever. (Isabella, 31–40, queer, ND, NSW)

Some victim-survivors noted the value of evidence of digital and technology-facilitated coercive control in supporting prosecutions. As one commented:

I think it can be proved because [of] the digital footprint, for instance, which is what I have documented. So I think that it would be possible, I think it would make it easier for the police because they can act on evidence. (Deborah, 61+, heterosexual, ND, Vic)

Several victim-survivors identified that they would have needed to spend time collecting evidence of their abuse were they to have sought to use an offence of coercive control at the time of their own experiences. As one victim-survivor suggested:

The only thing I could think of—but this would also put the person in danger—is if there was information about how to gather evidence. I mean you would sort of have to really set them up to go, 'This is how you gather evidence.' They would have to be the gatherer of evidence ... you would have to have somehow some sneaky CCTV camera set up in the house, it would have to be like a surveillance operation. But I don't know how realistic that is. (Adelaide, 41–50, heterosexual, ND, Vic)

Highlighting the challenges of this form of evidence collection, one victim-survivor described the process she had gone through to try to document the abuse she experienced:

They will slip through the cracks. Whereas my partner's never sent anything in a text message, he's always done it behind closed doors, and so that's why I was recording conversations and stuff to actually have as evidence. I had to be really clever to think, but I'm a pretty smart person but what I got was pretty shithouse, like in terms of evidence, but it was the best that I could do. I would hate to think about ladies with four or five kids who don't have financial means who are doing it tough. I'm lucky I've got finances and X, Y and Z and really, really good support system and I'm struggling, and let alone to make people believe me that this actually happened. (Alicia, 31–40, bisexual, First Nations, Qld)

Critically, some victim-survivors rightly recognised the potential risks involved in gathering evidence of an abusive partner's coercive and controlling behaviours. As one victim-survivor commented:

I would really like to see when it comes into prosecution the training of women of documenting the evidence because that is the hardest part. The second thing is, how do you keep her safe while she's going through that process? (Rose, 61+, heterosexual, ND, NSW)

Recognising the challenge of proving coercive control to the standard required in criminal law, one victim-survivor, who was in support of the criminalisation of coercive control, suggested that as part of the reform process the burden of proof should be lowered for cases under this offence. They proposed:

I think it should be criminalised ... but I think the burden of proof should be different for this type of crime ... where I think it goes steadily wrong for good outcomes for women is that family violence and coercive control is just dumped in the criminal system with every other criminal charge like drug addicts, drug trafficking, murder, and the difference is family violence is, or can be, a very fine line, very intimate stuff that's difficult to prove and yet the long term impact on men, women and children is a lifetime ... it doesn't belong in the bucket with every other possible criminal charge. Because you're never going to get the outcome that you need because the defence, their defence is they turn around and say, 'Oh, she's sensitive. It wasn't really control; she's sensitive.' Or, 'You know what, she had anxiety 10 years ago and I think this anxiety is contributing to her.' You know, they put one seed of doubt in and it's gone. (Ava, 41–50, heterosexual, ND, Vic)

While to date no jurisdictions have examined the possibility of changing the burden of proof in criminal prosecutions of coercive and controlling behaviour, what these reflections capture are the significant barriers that victim-survivors will encounter in having their experiences of coercive control understood and responded to in the realm of the criminal legal system. While shifting the law from an incident-based focus to one that recognises patterns of behaviour has been hailed as a significant step forward in the context of the criminalisation of coercive control, victim-survivors' viewpoints in this study highlight why significant consideration will need to be given to how those newly criminalised behaviours can be proven in the context of traditional laws of evidence, which lend themselves to acts of physical evidence.

Sitting in the grey: Support for criminalisation alongside recognition of the risks of a new criminal offence

Throughout this study, one of the most apparent findings addresses the dichotomous nature of debates surrounding the criminalisation of coercive control to date, particularly evident in recent years in Australia, whereby advocates are readily categorised as either for or against criminalisation. Such dichotomous thinking was not reflected in the nuanced views expressed by the victim-survivors in this study. The majority of victim-survivors interviewed expressed support for the criminalisation of coercive control, often accompanied by expressions of concern or caution as to the risks of implementation. For these victim-survivors, their interviews gave rise to thinking through the pros and cons of criminalisation, as captured in the reflection of the following victim-survivor:

I don't know because on the one hand I absolutely support it but, I mean, it's criminal to hit people and people still do it. It's criminal to murder people and they still do it. It's criminal to steal and people still do it. So I don't know, to be honest. There's a big part of me that feels like—particularly because I was involved in that sort of teaching respectful relationships ... There's a big part of me that thinks that this is only something that can be changed through education of our youth and having them do things differently. I don't know how much. I don't know. On the one hand, I'm an optimist, but, on the other hand, I'm absolutely a pessimist about it. (Erin, 41–50, lesbian, D, Vic)

Some victim-survivors described a disjunction between what would have been useful in their own experience and what they hoped for in the case of victim-survivors moving forward. As one victim-survivor commented:

It probably wouldn't [help] in my case, because I was so petrified of him and had been with him for so many years, that I was literally brainwashed by him ... But I still think that every woman should have the right to have that choice, to make that decision to make that report. (Vera, 61+, heterosexual, ND, Vic)

For other victim-survivors, while they supported the introduction of a new law in principle, they expressed little faith that it would lead to concrete outcomes for perpetrators:

I lose faith in people actually being found guilty of those sorts of things, but I think it's important that it is a criminal offence. (Rita, 41–50, heterosexual, ND, WA)

In terms of criminalising coercive control, I mean on the one hand I think it's a no-brainer that this stuff is insidious and it's harmful, and it needs to be stopped. But I don't know how that would be possible, considering that I've been to the lawyer multiple times, and to the police, and there are no tools as far as I'm aware to prevent my kind of coercive control from happening. (Ada, 41–50, heterosexual, ND, Tas)

For some victim-survivors who expressed mixed views on whether coercive control should be criminalised, there was a strong view that coercive control could be criminalised if other reforms were first prioritised. In particular, victim-survivors often stressed the importance of broader education and specialist training of those working within the criminal legal system—as has been noted at several points in this report already. As two victim-survivors commented:

Personally, I don't have a lot of faith in the justice system at the moment ... So, I don't know if criminalising coercive control is the answer, because it could just be another thing where, yeah, it's criminalised and we say that we want to do something about it, but unfortunately we don't have the resources or the education to do much about it. I think it starts in a perfect world, being able to educate younger generations on why it's negative to be this way. Then maybe down the line it can become criminalised. I'm not sure though. (Antonia, 25–30, bisexual, ND, Vic)

My gut says yes but there needs to be so much more training that—magistrates especially, oh my God, court department, anybody involved in the legal judicial system. (Yasmine, 41–50, D, NSW)

The sequencing of efforts to address coercive control was critical for some victim-survivors, with support for criminalisation being offered only following the introduction of broader reforms to target the underlying drivers of this form of DFV. As one victim-survivor commented:

So I think I'm really for it, conditional though. I think that I believe in early intervention more than anything. I think that what let me down is cultural understandings of abuse. I think that as a society we don't understand it, and I think if I was a young woman and I was seeing that stuff in health class, maybe I wouldn't have ended up in the circumstances that I did. So yeah, I think if the coercive control laws were there when I was going through it, I still wouldn't have used them. I don't think I would have gone through court, just because I didn't understand what was happening to me. So I think we can't have ... making things illegal ... until we have a cultural understanding of it. (Charlotte, 21–24, heterosexual, D, NSW)

Taking an even broader viewpoint, another victim-survivor stressed that, while she supported the introduction of an offence of coercive control, without tackling the patriarchal drivers of men's violence against women, it was likely to be futile in meeting its objectives. She explained:

I would love it if coercive control was criminalised, but in the context of a system that wasn't deeply rooted in patriarchy. If the whole society exists to serve patriarchy and it kind of is deeply embedded in that notion of patriarchy and patriarchal dominance, I just don't see how criminalising coercive control can succeed ... I just don't think that criminalising coercive control will make women go to the police and report it and it won't be prosecuted anywhere to the extent that it needs to be. I mean, it's a great idea but I just don't think it'll work when patriarchy is so deeply embedded in how this society functions. I hate to be so cynical, I wish I wasn't, but the whole society would have to be upended first before that would work. (Louise, 41–50, heterosexual, Vic)

These responses highlight the complexities of debates surrounding the criminalisation of coercive control, often overlooked in such debates in Australia. Many victim-survivors in this study articulated support for, and concerns around, criminalisation in their nuanced reflections. This allowed the merits and risks to be articulated alongside each other and offered a richer understanding of victim-survivors' expectations for law reform that could be successful in achieving improved outcomes for victim-survivors.



Discussion and implications for policy

This study was undertaken at a time when debates surrounding the criminalisation of coercive control were taking place in several Australian states and territories. At the time of completion of this work, three jurisdictions had moved to implement a standalone offence of coercive control—New South Wales, Queensland and South Australia—while other jurisdictions continue to examine the best ways to improve responses to coercive control specifically, and responses to DFSV more broadly. For this reason, the findings from this study have significant implications for current policy and practice.

Findings presented throughout this report highlight the support for the criminalisation of coercive control expressed by victim-survivors as well as the potential benefits and risks of criminalisation. It is important to recognise both to inform the safe implementation of new criminal offences. The voices of victim-survivors are an important feature in informing current and future law reform efforts. The implications for policy raised by the voices in this report are strongly underpinned by victim-survivor expectations and recommendations that keeping women and children safe should be front and centre in the policy process.

The need to transform responses to coercive control

Regardless of whether victim-survivors were in support of, or opposed to, the criminalisation of coercive control, there was an overwhelming agreement across the interviews that historical and current responses to DFV are failing to meet the safety and justice needs of victim-survivors. Across all the interviews, victim-survivors described feelings of being let down by the system, ignored and silenced through police and court responses, and unable to access support services. In reflecting on the ability of the law to hold perpetrators to account and to deter future offending, victim-survivors recognised the importance of consistent legal responses and consequences. For some this equated to punishment of the perpetrator through criminal law sanctions. However, for many, the symbolic function of the law was focused on for its potential to set a new community standard as to what is acceptable and unacceptable behaviour in the context of an intimate partner relationship.

Victim-survivors viewed the criminalisation of coercive control as one of many steps needed to transform responses to coercive control across Australia. For several victim-survivors the introduction of a new offence of coercive control held the promise of a start of this transformation. As one victim-survivor commented:

... if we could drive reform and change, and criminalise at the same time, taking small baby steps and expanding on it, I can see there is an opportunity to leverage cultural reform ... One of the things that transformation change can do is take new concepts and drive cultural reform through organisations as a leveraging point. And I see this if we criminalised coercive control ... If we start looking at that and start making small steps in getting some reform within the construct of police and police training, stakeholder management, serious line managers and upper management within police and judicial constructs managing those behaviours, and we do it a step at a time, I think it's a great opportunity to get some cultural reform. (Eliza, 51–60, D, NSW)

Repeating the emphasis here on the steps needed to ensure meaningful reform, victim-survivors stressed the importance of wholesale reform and the body of work that would be needed to successfully transform responses to coercive control, as captured by one victim-survivor:

I think it's good that the laws may potentially change, that they're doing this. I think it's a good step. But I think they need to take a lot of other steps as well. (Trisha, 41–50, bisexual-pansexual, ND, SA)

This is an important view to keep at the forefront to ensure that states and territories do not embark on the introduction of a single piece of legislation without appreciating the need for broader reforms to support improved responses for victim-survivors both within and outside of the remit of the criminal legal system. There are limits to what can be achieved through criminal law reform alone. As one victim-survivor stated:

I also want to be clear and say that I don't think that a law alone is the answer to anything. I've tried to be clear when I've spoken publicly about the fact that it has to be supported by other things, including training and education and awareness campaigns and extra funding, because I think it will create more victim survivors coming forward and I don't want them to be let down in terms of not being supported when they do recognise what's going on. (Barbara, 31–40, heterosexual, ND, Vic)

There was not always agreement on the sequence of reform—with some victim-survivors stressing the urgency of implementing a new offence while other victim-survivors argued that broader reforms were first needed to support safe implementation of any new laws. As the opening analysis section of this report examined, for some victim-survivors a new law was critically needed and time was of the essence, whereas for other victim-survivors taking the time to first improve justice system responses more broadly was important to ensure the successful implementation of a new offence. As one victim-survivor explained:

You can put anything you like on law but if it isn't supported by a justice system, and that's the police right through to the courts, then it's not worth the paper it's written on. It has to be there ... I have no argument with that at all, it has to be there ... it absolutely has to happen but this isn't going to happen overnight. (Carmen, 61+, heterosexual, ND, Qld)

Victim-survivors also urged a commitment to long-term change, recognising that effective criminalisation of coercive control would not be achieved overnight and governments would need to commit to a long-term reform agenda if safe implementation were to be achieved.

As one victim-survivor commented:

If that's [criminalisation] something that you're going to do, it's not worth doing if there isn't enough focus on support and education. But again, I think it drives that. But does criminalising issues as they come up, is that a catch-all solution to fixing them? And that obviously they know that there's work to be done from there, and it's not just like 'Oh, we've criminalised it now. Everyone's happy. Back to your life.' (Bryony, 25–30, pansexual, First Nations, D, ACT)

The importance of training

Throughout the interviews victim-survivors stressed the importance of training alongside any new laws, as well as placing broader recognition on the need for there to be significant upskilling among justice sector professionals responding to DFSV. The emphasis placed on training by victim-survivors across Australia was paramount throughout the interviews, as captured in their comments:

I'd like to see something that goes hand in glove with a new law. And that's got to be training, and it's got to be training of the judges, training of police, and training of young boys to say, 'it's not okay'—or children. So that we embed this understanding that it's not okay in the next generation. So I don't think it will work by itself. It's got to be a fully integrated new system, new way of working for society. And I think that would be incredible. I can't see that that will happen in my lifetime, but it's perfectly possible ... I'd love to see that in my lifetime; that we have a better understanding, and that men get it, and that they're held to account, and that then changes the next generation. That's what I'd really like to see. And it has to be an integrated approach. (Isla, 41–50, heterosexual, ND, Vic)

I guess criminalising it will get people trained in it ... you'd have to educate people who work in social work, police, psychologists, even family court, taking it all the way through. It will require everybody to be educated in it, and not just a weekend course. I think people should be doing more so something at the level of a cert four or diploma or something like that in this coercive control. (Clementine, 41–50, heterosexual, ND, Qld)

As captured here, some victim-survivors saw training as an inevitability that would emerge as part of the implementation process; however, quality control over the extent and nature of such training is critical. While there was recognition that the introduction of the new offence in and of itself would likely lead to some improvements in awareness of coercive control among police and legal practitioners, this was not viewed as enough in isolation of broader training efforts. As two victim-survivors explained:

... just putting in a coercive control legislation on its own I don't think would be helpful.
(Annette, 41–50, heterosexual, ND, NSW)

My belief is we should criminalise coercive control, but I don't think it should be done without the funding and training that needs to be done. I don't think it's a stand-alone 'Let's criminalise it and we're going to solve all these problems.' (Scarlett, 31–40, heterosexual, ND, NSW)

Evidence-based approaches to training and education are needed to ensure that the significant gains needed in policing practice, and judicial understandings of coercive control, can be achieved.

The importance of education and prevention

Beyond the specific training of practitioners working within and around the criminal law, one of the common threads throughout our interviews with victim-survivors was a shared desire to improve community attitudes and awareness more broadly through education, and to drive prevention efforts for future generations. While the criminalisation debate naturally necessitates a focus on the crisis end of the DFV system, victim-survivors also stressed not losing sight of the importance of prevention and early intervention in efforts to reduce and ultimately eliminate coercive control. Interestingly, in the wider survey sample and among victim-survivors interviewed for this study, there was a commonly held belief in the power of the law to educate the wider community and raise awareness of the nature of non-physical forms of IPV. This was viewed as the key benefit of criminalisation.

Victim-survivors also recognised that law reform at this point would not impact upon their own safety or access to justice but they sought to improve system responses for younger victim-survivors, and they stressed the importance of education and cultural change for the next generation. As one victim-survivor remarked:

I don't think it should be dropped like a hot potato because everyone goes, 'It's too hard.' If you are us, and are a woman who's been in a domestic violence relationship, and everyone's going, 'It's too hard,' you go, 'Well, what the hell?' And also, I'm in my mid-60s now, I want the generations of women that come behind me not to have what I had, so they can get better services, better help, and more restitution through the law system. (Vera, 61+, heterosexual, ND, Vic)

These findings highlight the importance of holding prevention and long-term cultural change in the frame in efforts to address all forms of DFSV across the Australian community. A key focus on how to improve the criminal legal system must be to ensure the value of prevention and, within this, education should not be overlooked.



Conclusion

This study has sought to centre the views of female victim-survivors regarding the question of the criminalisation of coercive control. As debates surrounding criminalisation have gained significant momentum across all Australian states and territories in recent years, including leading to commitments to criminalise coercive control in several states, there is a need to ensure that the lived experience of victim-survivors is considered. Recognising the often fraught history of women victim-survivors' relationship with the court system, and the ways in which reforms have long been introduced based on assumptions of what victim-survivors want to meet their safety and justice needs, this report places the experiences and views of victim-survivors at the forefront. In doing so, it provides the first detailed national account of victim-survivors' views on the criminalisation of coercive control, what it may achieve in terms of improved outcomes for victim-survivors and greater accountability of perpetrators, and the lingering risks of using criminal legal system responses to improve outcomes for victim-survivors of DFV.

For those victim-survivors who support the criminalisation of coercive control, among a significant majority of those interviewed for this study, there was a shared in-principle acknowledgement of the need for the law to evolve to better recognise the totality of abusive behaviours experienced in the context of an abusive intimate partner relationship. As one victim-survivor stressed:

I just see it as an essential ... If we don't mature our models of managing domestic violence because we fear the police won't do their job or systems are going to fail us, then we're looking at it from the wrong perspective. We need to be addressing the failures in our systems so they can keep people safe. (Eliza, 51–60, D, NSW)

For these victim-survivors, the criminalisation of coercive control was viewed as an opportunity to raise community awareness of the unacceptability of non-physical forms of IPV, to enhance the availability of help-seeking avenues for victim-survivors, to improve safety outcomes and to increase access to justice.

While the overarching support in principle for the criminalisation of coercive control among victim-survivors is a clear takeaway from this report and the earlier national survey (Fitz-Gibbon et al. 2023), an analysis of the interview findings reveals the nuance in victim-survivors' views on the benefits and risks of criminalisation. Understanding the complexities of victim-survivors' views on criminalisation is critical to safe implementation for those jurisdictions proceeding with the criminalisation of coercive control. Specifically, alongside the introduction of a new offence, our findings highlight the need for system accountability and support for:

- enhanced community awareness and education initiatives to improve understandings of coercive control across the community, and to better support early intervention and victim-survivors' help-seeking efforts;
- the development of a suite of perpetrator interventions, beyond criminal law responses, to ensure people who use coercive control are held to account and deterred from future offending;
- significant training on coercive control for all professionals working in the criminal legal system—particularly police and magistrates—as well as across the DFSV sector to ensure safe implementation of a coercive control offence;
- examining how the court system will safely accommodate the experiences of victim-survivors of coercive control to reduce victim-blaming and retraumatisation in court responses to DFSV; and
- a substantive increase in resources to support the safe implementation of any new offence for any Australian states and territories that progress implementation.

This study also offers important insights into victim-survivors' experiences with the criminal legal system that should be taken into consideration as several Australian jurisdictions are currently seeking to improve legal responses to all forms of DFSV. Recent inquiries led at the Commonwealth and state level over the last decade have consistently highlighted failures in legal responses to different forms of violence against women (see, among others, House of Representatives Standing Committee on Social Policy and Legal Affairs 2021; RCFV 2016; Special Taskforce on Domestic and Family Violence in Queensland; Women's Safety and Justice Taskforce 2021). Most recently, the Queensland Commission of Inquiry's (2022) final report, *A call for change*, again documented failures in police responses to domestic violence, noting the impact of cultural issues, under-resourcing, and an inability to respond to domestic violence with the urgency and seriousness required. These findings come as no surprise to many of the victim-survivors interviewed for this research, who often reflected on the longstanding failure of police and court systems to deliver safety and provide access to justice for many victim-survivors of gender-based violence. This report finds that significant attention must be given to the introduction of sustained police training, alongside a DFV- and trauma-informed approach to implementation and embedding of new coercive control laws in Australian jurisdictions. Without this, there is a real risk that the operation of any new law will replicate an approach to policing, and to the resolution of cases of IPV in the criminal court system, which has repeatedly failed to deliver safe and just outcomes for women victim-survivors of coercive control.

As several states and territories have moved to criminalise coercive control in recent years, for some victim-survivors who oppose criminalisation there was a feeling of being invisible or unheard in public reform conversations. This report has sought to provide space for all viewpoints in its exploration of views on the criminalisation of coercive control, and in doing so has demonstrated the complex nature of perceptions and beliefs held by Australian victim-survivors on the benefits and risks of criminalisation. The resulting findings encourage a focus on how safe implementation can be achieved and the broader reforms needed alongside.

The findings largely align with the National Principles, which all Australian governments have agreed should be embedded in any legal responses to coercive control. For example, the National Principles recognise the need to improve societal understanding of coercive control and the importance of embedding lived experience in efforts to address this issue (Attorney-General's Department 2023).

As Australia embarks on delivering the National Plan to End Violence against Women and Children 2022–2032 (DSS 2022), which includes the ambitious goal of ending gender-based violence in one generation, the range of viewpoints expressed by victim-survivors throughout this report highlights the importance of wholesale reform spanning prevention, early intervention, response and recovery. Focusing on a single point of the system response or a single piece of legislation will not deliver the transformation needed to tackle Australia's national crisis of violence against women.

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