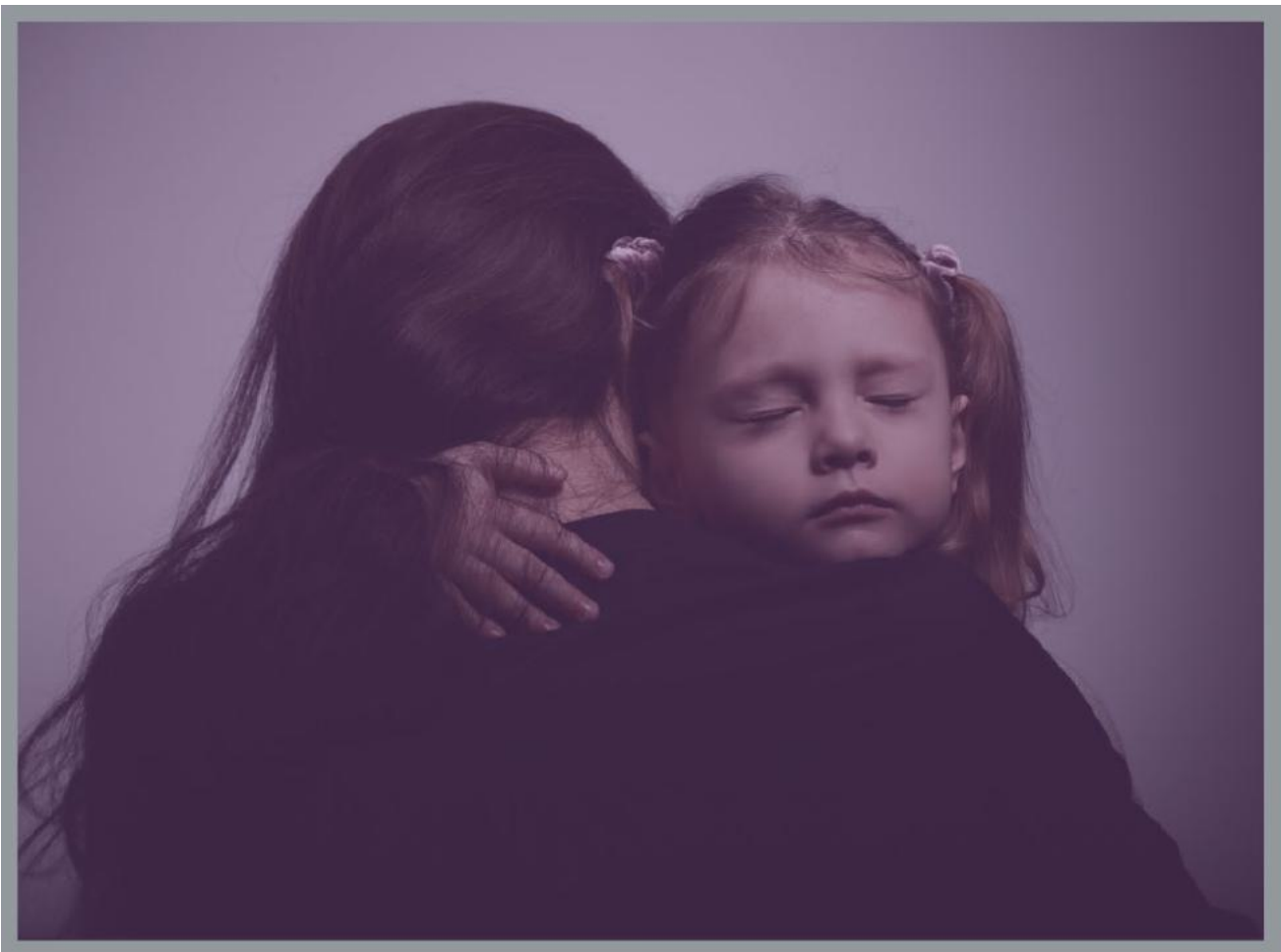


# No To Violence Feedback on National Principles to Address Coercive Control in Family and Domestic Violence V2.1

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*Holding Perpetrators Accountable*



## Acknowledgment of Country

No to Violence acknowledges First Nations Peoples across these lands; the Traditional Custodians of the lands and waters. We pay respect to all Elders, past, present, and emerging. We acknowledge a deep connection with country which has existed over 60,000 years. We acknowledge that sovereignty was never ceded, and this was and always will be First Nation's land.



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Men's Referral Service – for men concerned about their behaviour

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# No to Violence Feedback

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## Coercive control and its impacts

- **National Principle 1 - Understanding common features of coercive control:**  
Names coercive control as gendered and an underpinning dynamic in domestic and family violence and places responsibility on perpetrators regardless of intent.
- **National Principle 2 - Understanding impacts of coercive control:**  
Outlines the serious impact of coercive control as a dynamic that deprives victim-survivors of autonomy and a predictor of domestic violence deaths. The cumulative nature of coercive control is also recognised as well as the impact on help seeking (Principle 2).
- **National Principle 3 - Taking an intersectional approach to understanding features and impacts:**  
Recognises that multiple forms of structural discrimination and inequality compound victim-survivors' experiences of coercive control, and that the criminal justice and service systems further negatively impact on victim-survivors.
- **National Principle 4 - Improving societal understanding of coercive control:**  
Stipulates that coercive control is poorly understood in our society and that this negatively impacts victim-survivors in the community and in the broader service and response system including the criminal justice system.

## Guiding considerations to inform effective responses

- **National Principle 5 - Embedding lived experience:**  
Sets out the importance of embedding a diversity of victim-survivor lived experience in the policy and service landscape.
- **National Principle 6 - Coordinating and designing approaches across prevention, early intervention, response, recovery and healing:**  
Sets out the intention that these National Principles help coordinate responses across prevention, early intervention, response, recovery, and healing – including by embedding perpetrator accountability as an underlying principle.
- **National Principle 7 - Embedding the National Principles in legislative responses to coercive control:**  
Sets out issues for consideration as part of legislative responses to coercive control.

## Key differences

The new draft National Principles (v2.1) are a significant improvement on the first draft and have incorporated most of the feedback that we provided.

We previously recommended that the National Principles:

- Embed perpetrator accountability throughout the National Principles (incorporated in new draft)

- Recognise coercive control as patterns of control and forms of controlling behaviour (incorporated in new draft)
- Make clear that all forms of violence, whether physical or otherwise, are serious and harmful (incorporated to some degree)
- Reference the impact of police and service responses on victim-survivors help seeking behaviour (incorporated in new draft)
- Reference the impact of structural discrimination and inequality (incorporated in new draft)
- Highlight the importance of learnings from the National Death Review and Coronial Inquest processes (incorporated in specific part of new draft)

## What's now being presented in this draft version from the Government?

- This draft has changed significantly and has obviously incorporated feedback from No to Violence and other organisations.
- This draft more accurately names coercive control and sets out to improve criminal justice and service system responses.
- Perpetrators feature more prominently in the draft Principles, with more descriptions of perpetrators as responsible for abuse, and descriptions of various abusive behaviours that perpetrators use to exert power and dominance.

## What's missing?

We asked that the National Principles:

- **Recognise victim-survivors' resilience and adaptability**, i.e. how victim-survivors change their behaviour to keep themselves and child/ren safe. This inclusion is not present in the new draft. It is worthy of inclusion in recognition of the complexity of victim-survivors' experiences of coercive control and of victim-survivors themselves. We may contribute to broader victim blaming narratives when we fail to recognise the ways that victim-survivors resist abuse.
- **Understand the characteristics, tactics and motivations of men who use violence and abuse**—noting that men too are as diverse as victim-survivors and reflect whole of societal characteristics —is critical to informing policy, service design, implementation, and evaluation.
- The **government embed understanding of coercive control in their services and systems**, in addition to legislative reform, e.g. social services administration, family law, migration law, veterans affairs, and the tax and transfer systems.

## Further feedback

The current draft National Principles show promise, particularly because they accurately name key factors and features of domestic and family violence, and the role of coercive control in underpinning and compounding harms.

For example: common features of coercive control (**principle 1**)

- Coercive control is an *underpinning* feature of domestic and family violence
- Coercive control works to *exert* power and dominance
- Gender equality is *compounded* by other forms of discrimination and inequality

NTV's previous feedback on **Principle 1** and throughout the Principles, that the language of 'physical and non-physical violence' should be amended to 'physical and other forms of violence' to prevent any perception that other forms of violence are less harmful. This has not been incorporated in the current draft.

The National Principles have to emphasise the seriousness of all forms of violence as they are cumulative and interrelated. Recognition of coercive control as a significant and underpinning feature in domestic and family violence is a critical first step towards the early intervention required to prevent domestic violence deaths.

We commend that systems abuse and technology-facilitated abuse are included as examples of common forms of violence.

We note the reference to intent in **Principle 1**. While we note that perpetrators do not always use violence intentionally as part of an overall strategy, we wish to raise that intent is an issue within the broader criminal justice system which disadvantages victim-survivors by placing the burden on victim-survivors to prove the perpetrator's intention. We welcome the opportunity that **the clarification of intent presents for broader systems change**, by addressing the impacts on victim-survivors.

**Principle 2** helpfully includes recognition of the impact on coercive control on help-seeking behaviours, making clear that victim-survivors may not seek help or report abuse as a direct result of abuse and ultimately **shifting the burden** away from victim-survivors towards perpetrators.

However, our previous feedback on **Principle 2**, has not been incorporated, with respect to noting that victim-survivors are highly adaptable and often make myriad small and large changes to accommodate a perpetrator's behaviour to keep themselves and the children safe.

We are glad also to see that the compounding nature of intersecting forms of discrimination and inequality including the impact of barriers to accessing justice and support are acknowledged in **Principle 3**. We look forward to a **change in the policy landscape that leads to structural change**, including training for criminal justice staff and improved resourcing for accessible and culturally safe and appropriate specialised services.

We are also heartened to see the impact that a poor understanding of the nature of domestic and family violence has on the lives of victim-survivors in **Principle 4**. We add that the impacts of domestic and family violence are far-reaching and **negatively impact society as a whole**. For this reason, we commend the acknowledgment that societal attitudes flow to criminal justice and service systems and the intention that the National Principles facilitate a shared understanding of coercive control. We are glad to see the ambition that all jurisdictions are to actively respond to gaps in their understanding and response and we would welcome **resourcing allocated to make this vision a reality**.

**Principle 6** sets out that service provision is to be comprehensive and coordinated across the sector. We are glad to see perpetrator accountability specified but note that **opportunities for behaviour change are also needed** to end male violence.

We note that perpetrator accountability is acknowledged as one approach among a suite, in **Principle 7**. We reiterate that **behaviour change opportunities for perpetrators are an essential part of the service response**.

**Principle 7** also notes that there are unintended consequences of criminalisation of coercive control (criminalisation and coercive control is a state and territories responsibility). As provided in our previous feedback, some of these consequences are not unanticipated. By supporting better access to justice and better response for First Nations women, migrant or CALD women, or women with

disability, many unintended consequences of criminalisation could be mitigated. The criminal justice system needs to serve and support all people, not just the privileged.



## Appendix – Previous feedback that NTV submitted

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### Would you like to provide more information about your answers? (500 word limit answer)

The National Principles are an important opportunity to establish perpetrator accountability as part of a nationally consistent understanding of coercive control.

The National Principles should definitively state that coercive control—regardless of whether it encompasses physical or other forms of violence—is a serious pattern of behaviour. In Principle 1 and throughout the Principles, the language of ‘physical and non-physical violence’ should be amended to ‘physical and other forms of violence’ to prevent any perception that other forms of violence are less harmful. ‘Pattern of control’ should be amended to ‘patterns of control.’

The diversity of experiences of coercive control and its impacts should be better articulated in these Principles. For instance in Principle 2, it is worth noting that victim-survivors are highly adaptable and often make myriad small and large changes to accommodate a perpetrator’s behaviour to keep themselves and their children safe.

Gender inequality as an underpinning factor in understandings of and responses to coercive control should be addressed. For instance, Principle 3 should note that the ways police and services respond to victim-survivors influences their decisions to or not to seek help.

Principle 4 refers to the ways in which discrimination is linked to a person’s identity. This section could be re-framed to emphasise that discrimination is based on deeply embedded power imbalances. The current framing could be read as victim-blaming, or that it is a person’s ‘fault’ for having certain characteristics. A more nuanced description of the way power operates and manifests in discrimination, inequality, violence, and abuse would prevent any misreading.

Understanding the characteristics, tactics and motivations of men who use violence and abuse— noting that men too are as diverse as victim-survivors and reflect whole of societal characteristics —is critical to informing policy, service design, implementation, and evaluation. National Principle 5 would be strengthened with this addition.

The work of the National Death Review process provides valuable insights about patterns and contributory factors of the people who use family violence and the circumstance that enable them to commit homicide. Principle 5 would be strengthened by acknowledging the important work of the Death Review and Coronial Inquest processes.

Principle 7 notes that the Australian Government cannot create a coercive control offence at the national level—but it can and should recognise patterns of control and coercion in the administration of portfolios including family law, migration law, social services administration, the tax and transfer system, veterans affairs, and other administrative instruments of the commonwealth.

Principle 8 notes that there are unintended consequences of criminalisation—but should also note that some of these consequences are not unanticipated. By supporting better access to justice for First Nations women, and by supporting service accessibility for migrant women, many unintended consequences of criminalisation could be mitigated. The principle might further note that the majority of victim-survivors do not seek or prefer not to engage with the criminal justice system. There should be effort dedicated to response other than that rested within that system.

**Do you have any suggestions as to how governments could promote the final National Principles to increase awareness and understanding of coercive control? (250 word limit answer)**

- Media campaigns through traditional and social media
- Mandated and on-going training for police
- Mandated training for criminal justice institutions, including the courts and judicial officers
- Mandated training for universal service providers (i.e. health, education, financial institutions etc)
- Provision of information in a way that would enable victim-survivors and perpetrators to seek help and intervention in ways that suits their respective needs and safety – for example, niche public awareness campaigns in sport clubs and arenas, pubs, on transport, in GP surgeries, public hospitals, theatres, cinemas, in tv series and films, etc.

**Do you have any other feedback on the draft National Principles?**

The draft National Principles are an important starting point. No to Violence recommends clearly embedding perpetrator accountability throughout the Principles. Continually referencing perpetrator accountability wherever victim-survivor safety is referenced is an important part of shifting the burden of responsibility from victim-survivors and onto perpetrators. A clear definition of coercive control that keeps perpetrator accountability central would enable services—including police, the criminal justice system, universal and specialist services—to better identify and respond to people who use coercive control and hold perpetrators responsible. A review mechanism (regular, sector led review) should be integrated into the principles and as part of the National Plan Action Plans.