



## **Consultation on the Criminal Law Consolidation (Abusive Behaviour) Amendment Bill 2021- October 2021**

### **Introduction**

The Youth Affairs Council of South Australia (YACSA) is the peak body in South Australia representing the interests of young people, youth workers, organisations, and networks throughout the non-government youth sector. Policy positions are independent and not aligned with any political party or movement. YACSA supports the fundamental right of all young people to participate in and contribute to all aspects of community life, particularly in decision-making processes, that impact their lives.

YACSA is appreciative of the opportunity to write a submission that focuses on young people and their lived experiences for the *Criminal Law Consolidation (Abusive Behaviour) Amendment Bill 2021*. Young people, their understanding, and their attitudes towards violence against women is a key part of primary prevention within the Australian Government's *National Plan to Reduce Violence against Women and their Children 2010-2022*. Recognising the need to develop young people's understanding of non-physical forms of violence, the long-term impacts of coercive control abuse well as providing early intervention support is detailed within the plan.

With domestic and family violence (DFV) at epidemic levels across Australia, many jurisdictions are recognising the impact of non-physical forms of DFV and are looking to send a strong message to the community by making coercive control a criminal offence. This submission centres on highlighting the unique position of young people in relation to coercive control as well as the importance for any legal response to be supported by a broader system response. It is worth noting, the current 'gold standard' of coercive control criminalisation in Scotland is supported by pillars of protection through legal reform, provision through effective services, prevention through strategies that stop domestic abuse, and participation in development and implementation by those who have experienced DFV (Stark 2020).

### **Viewing Young People in Context**

YACSA advocates for the right of young people to contribute to all aspects of community life, particularly decision-making processes that impact them. Their engagement in policy decisions is vital to ensure evidenced and effective development and implementation. Young people are the experts in their own lives, and their lived experience should be considered by decision-makers when addressing problems young people can face.

Young people are experiencing a period of transition, especially in relation to personal relationships and identity formation (Davies 2019). Young people are at a pivotal stage to review and address attitudes or beliefs that do not align with respectful relationships which can help prevent DFV (ANROWS 2017). Supporting young people to better understand gender equality and respectful relationships addresses underlying drivers of DFV and is considered a crucial aspect of legal reform relating to coercive control. A comprehensive approach to primary prevention supported by long-term investment and focused on young people, rather than focusing solely on immediate risk of

offending and its impacts, can assist young people to act as agents of change. Primary prevention at this stage can help attitude and behavioural development to be positive and equitable while also providing an opportunity for young people to learn skills to decode and safely challenge violence-supporting gender norms and practices (Our Watch 2021<sup>1</sup>).

## **Key points**

The following are key areas of consideration for the Criminal Law Consolidation (Abusive Behaviour) Amendment Bill 2021:

- Young people can experience coercive control in several ways through various personal relationships.
- Young people can struggle to identify non-physical forms of violence which puts them at greater risk of experiencing and perpetrating them.
- Attitudes and beliefs towards gender equality and violence against women are underlying drivers of violence.
- Prevention and early intervention are the best way to address underlying drivers of DFV and need to be distinct from responses to existing violence.
- Primary prevention via peer education has produced promising results.

## **Primary Prevention**

Supported by a wealth of research, underlying drivers of DFV have been identified and are known to be entrenched in uneven power dynamics present between men and women. To begin to prevent DFV, primary prevention aims to shift views that condone, dismiss, or minimise the impacts of gender approaches to rigid social norms, DFV and gender equality. By challenging the condoning of DFV, promoting women's independence in all aspects of life, building equal relations between young men and women, and normalising gender equality through education we can address the underlying drivers of DFV.

## **Coercive Control and Young People**

Young people can experience coercive control in an intimate relationship, the psychological and social harms associated with coercive control towards a parent or caregiver, and a continuation of coercive control in a post-separation phase through their parent-child relationship with a perpetrator (Katz et al. 2020). Young people have distinct experiences that are essential to the development and implementation of DFV responses.

Young people should not only be considered as an extension of parent or caregiver surviving coercive control, but also as primary survivors and perpetrators. The impacts of coercive control on young people are comparable to adults with young people who experience coercive control reportedly feeling afraid, constrained, entrapped, and confused (Katz et al. 2020). Within the population of young people are population groups at further risk, including LGBTQIA+ young people who are four times more likely to experience DFV and Aboriginal and Torres Strait Islander young people who remain at greater risk of experiencing DFV (Closing the Gap Clearinghouse 2016). Significant consultation with these vulnerable populations is needed to ensure responses to DFV encompasses their lived experience.

Research from the Australian National Research Organisation for Women's Safety (ANROWS) has identified an area of concern regarding young people's understanding of DFV. As part of negotiating their identity within intimate relationships, young people are developing their understanding of

appropriate and respectful behaviours within a relationship, and this can increase their risk of experiencing DFV (Davies 2019). Through the periodic National Community Attitudes Towards Violence Against Women Survey (NCAS) 2017, young people aged 16 to 24 years old were surveyed to compare their attitudes and understandings of DFV and gender equality to other age groups. The survey demonstrated that young people lack an understanding of how common DFV is, and that particularly young men do not understand how non-physical violence like controlling behaviours are abuse.

#### NCAS 2017 - Young Australian's Attitudes to Violence against Women and Gender Equality:

- More than 1 in 5 young men (22 per cent) believe 'men should take control of a relationship and be head of the household'.
- 1 in 5 young men (20 per cent) do not understand that keeping track of location, phone calls, and activities through mobile phone or other device without consent is a form of violence.
- 1 in 3 young men (36 per cent) believe 'women prefer a man to be in charge of a relationship'.
- Almost half of young people (43 per cent) believe 'it is natural for a man to want to appear in control of their partner when around male friends'.
- 1 in 4 young people, including 43 per cent of young men, believe DFV are equally experienced by men and women.
- Almost 1 in 7 young men do not understand that harassment by repeated emails, calls or text messages is a form of violence and 1 in 9 young men do not agree that stalking is a form of violence against women.
- Understandings of gender inequality and violence against women are not improving.
- Prevention through education and early intervention for young people are regarded as crucial pillars to addressing all forms of DFV.

A lack of understanding as well as problematic attitudes towards gender equality and DFV are primary underlying drivers of both physical and non-physical forms of DFV (Politoff et al. 2019). Coercive control has been reported as the most common form of violence experienced by young women in an intimate relationship (Kennedy et al. 2018). Young women are especially vulnerable to experiencing violence, and the risk for men to perpetrate violence is higher when they are young (Fulu et al. 2013). ANROWS saw significant success when evaluating their primary prevention program R4Respect. The peer-to-peer education helped 84 per cent of young people involved improve their understanding of what is acceptable and unacceptable behaviour in a relationship. Our Watch has documented positive progression through their *Change the Story* approach. Primary prevention focused on what coercive control looks like and the impacts it has are key aspects in approaching the criminalisation of coercive control to ensure young people are aware of the offence as well as how to decode and challenge the behaviours (Our Watch 2021).

#### **Coercive Control during COVID-19**

COVID-19 has seen an increase in the prevalence, frequency and severity of DFV including coercive control. The Australian Institute of Criminology surveyed women in July of 2020 to ask about their experience of DFV in the three months prior. One in twenty women had experienced violence with 5.8 per cent experiencing coercive control. More than half of those who reported experiencing coercive control stated an onset or escalation of controlling behaviours occurred during COVID-19 (Boxall et al. 2020). As indicated in the 2017 NCAS, more than one in three young people (36 per cent) are unsure where to access outside help for a domestic violence issue. COVID-19 has seen survivors face additional barriers to seeking help and support especially during lockdowns (Boxall et al. 2020).

## **Conclusion**

The 2017 NCAS demonstrated that young people need to be supported to actively develop their understanding of and attitudes toward gender equality and DFV to address underlying drivers, especially concerning coercive control (Politoff et al. 2019). As the Government looks towards criminalising coercive control and implementing a policy framework that includes not only single incidents of physical DFV but also the ongoing liberty-depriving behaviour often experienced in DFV circumstances, it is especially imperative to recognise the position of young people in society and the important role targeted primary prevention for young people has.

YACSA is pleased to note the Government's recognition of the complexity of the bill and the need to ensure implementation includes adequate education, training, and awareness. This provides the Government with an opportunity to work in close consultation with young people and the youth sector on the development of preventative supports that will assist young people to develop their understanding of healthy, respectful relationships as well as how to participate appropriately in social, civil and personal life.

## References

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