EFFECTIVE INTERVENTIONS & COERCIVE CONTROL

Free webinar series for child & DFSV practitioners

Working with LGBTQ+ People Impacted by Coercive Control: What Practitioners Need to Know

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Acknowledgement of Country

We acknowledge the Traditional Custodians of the various lands on which we work today and the Aboriginal and Torres Strait Islander people participating in this webinar.

We pay our respects to Elders past, present and emerging, and recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

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We also acknowledge all victim survivors of domestic and family violence, including any attending today, and the variety of ways that victim survivors resist violence in overt and covert ways.

We recognise the lives taken as a result of choices to use violence and the need for systems to make profound changes to uphold the safety and dignity of women and children.

We acknowledge the victim survivors who have led and advocated for the criminalisation of coercive control. We note that some people may have worries about these new laws and we will have a chance to explore these together.

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Speaker: Jade Parker

Working with LGBTQ+ People Impacted by Coercive Control

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Inclusive language and communication

L: lesbian

G: gay

B: bisexual

T: transgender

I: intersex

Q: queer

A: asexual

+: other sexuality or gender diverse people

SB: Sistergirl and Brotherboy

There is no single LGBTIQA+ community, rather a plurality of identities and experiences (National LGBTI Health Alliance, 2013).

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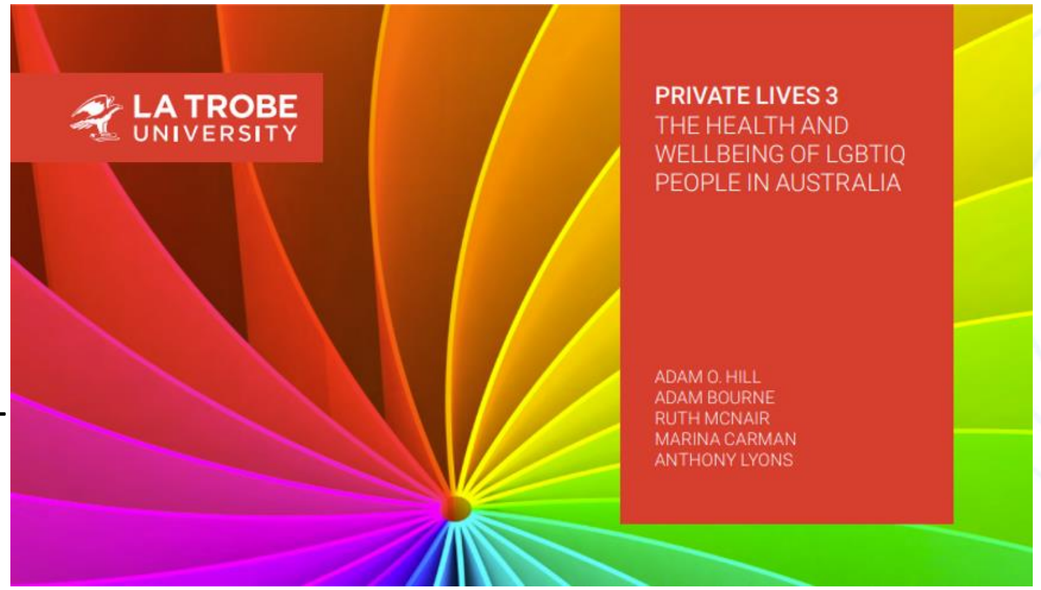
La Trobe University's Private Lives 3 Survey

- Largest study examining the health and wellbeing of 6,835 LGBTIQ+ adults in Australia
- 60.7% had ever experienced violence from an intimate partner
- 73% of those with severe disability, 69% with moderate disability, and 67% with mild disability had ever experienced intimate partner violence compared with 55% of LGBTQ+ adults without disability
- LGBTIQA+ people experience violence that is uniquely related to disclosure of their identities or their experiences as a person with an intersex variation



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What is Coercive Control?

- Coercive control is when someone repeatedly hurts, scares or isolates another person to control them
- It's domestic abuse and it can cause serious harm
- It’s an ongoing and repeated pattern of behaviours
- It includes physical and non-physical behaviours

The key to understanding coercive control:

- It is an assault on autonomy, liberty and equality
- A person aims to dominate and control another person
- It occurs within the individual context of that relationship, culture and community

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Gendered drivers of violence

The drivers of violence in LGBTQ+ relationships are gendered, caused by rigid expectations of gender, and the privileging of heterosexual, cisgender masculinity.

Rigid gender norms and gender inequality also drive violence against women, so addressing the gendered drivers of violence for LGBTQ+ people can challenge many of the key ideas that drive violence against women.

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LGBTQ+ specific drivers

Heteronormativity = assumption that everyone is heterosexual

Cisgenderism = assumption that everyone is cisgender

These two drivers lead to homophobia, biphobia, transphobia and so on

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Experiences of coercive control for LGBTQA+ people

- Withholding of finances for medical services or items for expressing gender identity
- Body shaming e.g saying or implying a trans person isn't a 'real' woman or man
- Targeting of gendered body features during violence
- Using homophobia, biphobia and transphobia to assert power and control
- Misgendering, pressuring a person to follow gender norms, for e.g. telling them to dress a certain way or stopping them from affirming their gender
- Controlling or threatening to reveal information about their healthcare, including gender-affirming healthcare, fertility treatment or other medication
- Threats to 'out' the person's gender, sexuality, intersex status or HIV status
- Threats to, or actual isolation of the victim-survivor from their affirming communities
- Exiling a person from family & jeopardising them financially due to their sexuality or gender
- Forcing a person into conversion practices
- Discourage help-seeking e.g. using a victim's fear prior negative police responses

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Barriers to LGBTQ+ people seeking help

Barriers specific to or may have larger effect among LGBTIQA+ people:

- Trauma & minority stress
- Experiences and/or fear of discrimination, minimisation
- Homophobia, transphobia & biphobia
- Experiences of family rejection or other forms of family of origin violence (FOV)
- Fear of losing community connections
- Historical framing of ‘violence against women’ – funding contracts may limit service availability
- Belief a man should ‘fight back’ even during controlling & abusive relationship
- Services unable to meet distinct needs – particularly regional & remote
- Lack of inclusive communication
- Unclear how to access appropriate behaviour change programs
- Awareness of historical Police & justice responses – previous criminalisation of their relationships

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Key principles for affirming practice with LGBTQ+ people

1. Signal safety: make your allyship visible for LGBTQ+ communities
2. Shine a light: Look inwards at your own understandings
3. Do no harm: Think about what you say and how it might be heard
4. Say something: Challenge negative stereotypes, assumptions and discrimination
5. Lead with compassion: Acknowledge and respect diversity

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What inclusive, safe and affirming DSFV services look like in practice

- Use of correct pronouns
- Updating intake forms
- Acceptance and affirmation of a client's gender and sexuality
- Not asking invasive questions about or making them feel pressured to defend their identities, gender presentation or intimate or social relationships
- Believing LGBTIQ clients' accounts of FDSV and validating their need for care and support
- Using complementary forms of knowledge and expertise by different service workers
- Bespoke tailored responses – not pre-empting needs & meet clients 'where they are at'
- Enabling choice in referrals
- Build internal referral lists of safe & affirming professionals – the basis of

  ACON's Say It Out Loud online service directory

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What inclusive, safe and affirming DSFV services look like in practice

- Seeking help and advice from LGBTIQ organisations
- Reviewing and updating policies/procedures to enhance inclusivity
- Fostering work cultures for staff to engage in mutual capability building and knowledge sharing
- Raising awareness of LGBTIQ experiences of violence and coercive control
- Build community trust and rapport (long term) – uptake may not immediately follow capacity building
- Community accountability – advisory groups, governance frameworks – include intersectional experience

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What inclusive, safe and affirming DSFV services look like in practice (cont')

- Providing worker names prior to a service – clients assess any COI in tight-knit LGBTIQ+ community
- Reduce time in waiting areas – minimise privacy issues for service users
- Develop capacity to provide training among local networks & increase referral safety
- Reflective practice during professional development
- Matter-of-factly correcting one another – missteps with language, pronouns or deadnaming
- Plan responses to resistance

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Making Coercive Control Visible in LGBTQ+ Communities

Listen to and amplify LGBTQ+ voices and experiences of coercive control and include us in the conversation

Strength-based messaging that communicates love, support and solidarity are vital

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Coercive Control Legislation – Crimes Act 1900 Div 6A

Crimes Legislation Amendment (Coercive Control) Act 2022 No.65

- From 1 July 2024, coercive control is a criminal offence in NSW when a person uses a **course of conduct** of **abusive behaviours** towards a **current or former intimate partner** with the intention to coerce or control them – Section 54D *Crimes Act 1900 NSW*
- The criminal offence captures repeated patterns of physical and non-physical abuse used to hurt, scare, intimidate, threaten or control someone.
- The law only applies to abusive behaviour that happens after 1 July 2024
- Behaviour prior to commencement can be used to provide background and context to a relationship

Section 54D: Abusive behaviour towards current or former intimate partners

(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.

Maximum penalty—Imprisonment for 7 years.

Meaning of 'Abusive Behaviour'

Crimes Act s54F(2) contains a non-exhaustive list of "Abusive behaviours". This includes engaging in or threatening to engage in:

- violence or threats against, or intimidation of, a person
- behaviour that shames, degrades or humiliates
- behaviour that prevents the person from doing any of the following or otherwise isolates the person
  - making or keeping connections with the person's family, friends or culture,
  - participating in cultural or spiritual ceremonies or practice,
  - expressing the person's cultural identity
- behaviour that deprives a person of liberty, restricts a person's liberty or otherwise unreasonably controls or regulates a person's day-to-day activities.
- Example: making unreasonable demands about how a person exercises the person's personal, social or sexual autonomy and making threats of negative consequences for failing to comply with the demands.

ADVOs – Links to the Coercive Control Offence

Crimes (Domestic and Personal Violence) Act 2007 No 80

- The meaning of 'Domestic Violence Offence' in the CDPV Act includes an offence under section 54D(1)
- Section 16 - Court may make Apprehended Domestic Violence Order allows an ADVO to be obtained if the court is satisfied on the balance of probabilities that a person who has or has had a domestic relationship with another person has reasonable grounds to fear and in fact fears the commission by the other person of a domestic violence offence [s54D coercive control offence] against the person

Additional legislative impacts:

- Police investigative and weapon seizure powers
- Protections for victim survivors giving evidence in court proceedings
- Allowing Victim Impact Statements

Misidentification & Systems Abuse

"I wasn't a good enough victim"

- Discrimination
- Perceptions of 'victims'
- Incident focused
- Misinterpreting resistance

Perpetrator intentionally misrepresenting their behaviour and the victim

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Some ways the new law attempts to minimise the extent of misidentification

Targets intentional forms of coercive control

Restricted to intimate partners

Doesn't include 'verbally abusive behaviour'

Includes behaviour that 'degrades, shames or humiliates'

Reasonable person test

Regard for 'all the circumstances'

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