

Women's Safety and Justice Taskforce: Discussion Paper 1

Submission

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The Queensland Family and Child Commission (QFCC) acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies on which we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to their Elders past, present and emerging.

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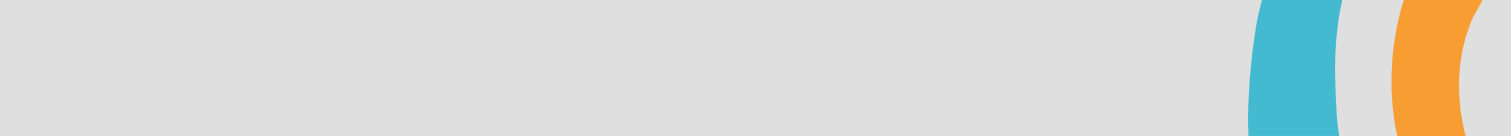
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Background

The Queensland Family and Child Commission (QFCC) is pleased to respond to the Women's Safety and Justice Taskforce's first discussion paper: *Options for legislating against coercive control and the creation of a standalone domestic violence offence* (the discussion paper).

The QFCC seeks to give practical effect to the rights of children and young people in Queensland through advocacy, awareness and accountability. Under the *Family and Child Commission Act 2014* the QFCC is responsible for promoting the safety, wellbeing and best interests of children and young people.¹ This includes representing their best interests in legislative decision-making processes.

This submission will respond to sections of the discussion paper that align with the QFCC's legislative responsibilities. It focusses on the impacts of coercive control on children, including children who may perpetrate coercive and controlling behaviour, as well as the types of education and resources that will help prevent coercive control.

The term 'coercive control' describes conditions, context and patterns of behaviours that often coincide with or lead to domestic and family violence. As children are not usually considered to be the primary victim,, there is little specific research on the impact on children. However, coercive control can be as serious and as harmful to children as DFV and should be treated equally in service responses.

This submission will discuss DFV more broadly to bring attention to the consequences and impacts on children and the types of service responses they need.

Children and young people are an invaluable source of information on the issues that impact them. The QFCC has spoken to children and young people on the Youth Advisory Council and included their perspectives in this response.

¹ *Family and Child Commission Act 2014* (Qld), S4

Summary of key points

- The rights, safety and best interests of children need to be paramount in all policy and legislation decisions made in relation to domestic and family violence.
- Children should be recognised by the Taskforce as primary victims of domestic and family violence, including coercive control.
- Coercive control is as serious and as harmful to children as other forms of domestic and family violence and should be treated equally in service responses.
- The list of coercive controlling behaviours used by perpetrators in domestic relationships should include 'making threats about or otherwise involving their children'.
- Legislative development needs to ensure safety and justice for *all* women.
- A woman's attempts to protect her children should be taken into account when examining coercive control.
- Where there are children in the family, responses to DFV should include consideration of the safety and rights of any children, including an unborn child.
- Co-response models that are trauma informed, culturally and gender safe would reduce the risk to children.
- Children need dedicated and accessible DFV help services located in the places they go.
- Support services need to be funded and available and offer long-term safety for women and children.
- Service responses need to be holistic and protect all the rights held by children.
- Services must be able to respond to the diversity of experiences in the communities they serve.
- Services should be able to recognise and build on the strengths of the women they support and the communities they serve.
- The views and experiences of Aboriginal and Torres Strait Islander women need to be actively sought by the Taskforce.
- While reform proposals around coercive control are developed with good intentions, without adequate safeguards Aboriginal and Torres Strait Islander women will continue to be misidentified as perpetrators and disproportionately criminalised.
- Important safeguards include significant transformation in policing responses including stronger training, and co-responder models that would include specialised practitioners to assess risk and correctly identify and support victims.

Domestic and family violence impacts children

All forms of domestic and family violence (DFV) harm children. Whether by witnessing violence between others, experiencing it directly or being used as a weapon of control by a perpetrator, the ways in which children can be affected are numerous and the impacts are extensive.

Recognising the effect of domestic and family violence on children should not be contingent on the presence of a physical injury or their proximity to a specific incident. What children experience, see and feel at the time, in the weeks, months and years before and after, matters. It matters to them and so it must matter to the systems involved in preventing and responding to DFV.

The Australian Institute of Health and Welfare identifies impacts on children who have witnessed or lived in a violent environment, including:

- diminished educational attainment
- reduced social participation in early adulthood
- physical and psychological disorders
- suicidal ideation
- behavioural difficulties
- homelessness
- future victimisation and/or violent offending.²

Children who grow up in families where DFV occurs are also more likely to experience other forms of abuse, such as sexual, physical and emotional abuse or maltreatment.³ A literature review of the correlation between DFV and child abuse warns this relationship is difficult to measure as research can only ever include instances where both forms of abuse have been reported to authorities.⁴

The impact of trauma caused by DFV on the developing brain is immense. DFV has been linked to thoughts of suicide and self-harming behaviour in children,⁵ while as many as one in five women, and one in ten men, who take their own lives as an adult experienced DFV as a child.⁶

Where coercive and controlling behaviours are used as a means of violence, the impact on children can be less visible, but can affect a child's self-worth and lead to emotional and behavioural problems.⁷

² Australian Institute of Health and Welfare 2020, *Australia's children*, Cat. no. CWS 69 p.338 accessed 22 June 2021 <https://www.aihw.gov.au/getmedia/6af928d6-692e-4449-b915-cf2ca946982f/aihw-cws-69-print-report.pdf.aspx?inline=true>

³ Australian Institute of Family Studies 2015, *Children's exposure to domestic and family violence*, CFCA Paper No. 36 2015 accessed 22 June 2021 <https://aifs.gov.au/cfca/sites/default/files/publication-documents/cfca-36-children-exposure-fdv.pdf>

⁴ Australian Institute of Family Studies 2000, *Exploring family violence: Links between child maltreatment and domestic violence*, NCPC Issues No. 13 — June 2000 accessed 29 June 2021 <https://aifs.gov.au/cfca/publications/exploring-family-violence-links-between-child-maltreatment>

⁵ Australian Human Rights Commission 2017, *Family violence linked to heightened self harm among children* accessed 07 July 2021 <https://humanrights.gov.au/about/news/family-violence-linked-heightened-self-harm-among-children>

⁶ New South Wales Domestic Violence Death Review Team 2017, *NSW Domestic Violence Death Review Report 2015 2017* Pp 141-143 accessed 07 July 2021 [https://coroners.nsw.gov.au/documents/reports/2015-2017_DVDRT_Report_October2017\(online\).pdf](https://coroners.nsw.gov.au/documents/reports/2015-2017_DVDRT_Report_October2017(online).pdf)

⁷ Katz, E. 2016, in Domestic and Family Violence Death Review and Advisory Board 2017, 2016-17 Annual Report p. 58, accessed 23 June 2021 [Domestic and Family Violence Death Review and Advisory Board - Annual Report 2016-2017 \(courts.qld.gov.au\)](https://www.courts.qld.gov.au/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2016-2017)



Children can be harmed by coercive control in similar ways to their victim-parent. For example, children can be isolated from their extended family, degraded with put downs, excessively monitored, humiliated and threatened or suffer from financial abuses by a parent.⁸

UK-based domestic violence researcher Emma Katz describes coercive controlling behaviour as a ‘campaign’ that takes priority over everything including the safety wellbeing and health of their children. As a direct result of the father’s coercive controlling behaviours, children miss out on normal childhood experiences in their daily lives. She states, ‘living in the same isolated and lonely world as their mum causes children distress and the loss of the ability to have fun and enjoy life.’⁹

“Even minor instances of coercive control can have lifelong effects. Children who are fed misinformation in an effort to control their behaviour can grow up with deep-rooted anxieties and depressive attitudes about themselves or the way the world works. Acknowledging this and working to unseat these attitudes is incredibly important.”

- QFCC Youth Advocate

Children can also be drawn into the abuse of another by the perpetrator by dividing the child’s loyalties or using child to monitor the other parent, usually the mother.¹⁰ A study into intimate partner violence involving children found use of a mother’s children ‘takes advantage of and uses her identity and role as a caregiver, relationship with her children, and drive to protect and nurture her children as a way to victimise her’.

Ways in which a perpetrator can weaponise children include (but are not limited to):

*making threats to kidnap, harm, or kill the children; making threats to report the mother to Child Protective Services and have the children removed from her care; making threats to leave the children without a mother by deporting or killing her; criticizing, degrading, and humiliating the mother either directly to her when her children are present or as comments to her children when she is not present; requiring the children to keep track of their mother’s activities, relay threatening messages, or harass her; physically abusing, kidnapping, or otherwise putting the children in danger as a means to intimidate, threaten, or punish the mother; limiting or withholding resources so the mother can not meet her children’s needs; expressing jealousy of the mother’s attention toward her children; preventing the mother from comforting and caring for her children; forcing the children to participate in abuse of their mother; and abusing the mother in front of her children or while she is pregnant...*¹¹

⁸ Women’s safety and justice taskforce 2021, *Discussion Paper 1: Options for legislating against coercive control and the creation of a standalone domestic violence offence*, <https://www.womenstaskforce.qld.gov.au/publications>

⁹ Safe and Together Institute 2021, Partnered with a Survivor [podcast] Season 2 Episode 12: *How coercive control harms child safety & wellbeing: An interview with researcher Dr. Emma Katz* https://safeandtogetherinstitute.com/season-2-episode-12-how-coercive-control-harms-child-safety-wellbeing-an-interview-with-researcher-dr-emma-katz/?utm_campaign=PwS&utm_medium=email&hsmi=137098737&hsenc=p2ANqtz-SDKQraMiTsXiipDLdZDjqnmS5Tms-ggiA5BI1u8rO-UydNpgrK3hl6yXXuURXsT-rD8Fshg_5MXYZ9CTluYpkvgil7suvWjk7JPJLPfSOXKuY&utm_content=137100400&utm_source=hs_email

¹⁰ Battered Women’s Justice Project 2015, *Practice Guides for Family Court Decision-Making in Domestic Abuse-Related Child Custody Matters* accessed 21 June 2021 <https://www.bwjp.org/assets/documents/pdfs/practice-guides-for-family-court-decision-making-ind.pdf>

¹¹ Ahlfs-Dunn, S., and Huth-Bocks, A. 2016, *Intimate partner violence involving children and the parenting role: associations with maternal outcomes*. Journal of Family Violence V31(1), p.388 accessed 22 June 2021 <https://www.proquest-com.grailproxy.slq.qld.gov.au/docview/1774126205?OpenUrlRefId=info:xri/sid:primo&accountid=13378>



Using her children to control her '[undermines] her value as a person, her role as a mother, and her ability to protect her children'.¹²

Women can also be forced to take part in abuse of a child to appease a violent partner.¹³ Women may neglect children, because their focus is on pleasing their abuser and surviving.

While many of the behaviours listed do not currently qualify as criminal, the severity of the impact and risk to children's safety in these circumstances cannot be overlooked and children must be addressed as victims in their own regard. Ongoing exposure to these behaviours can result in cumulative harm to children.

The Queensland Domestic and Family Violence Death Review and Advisory Board (QDFVDRAB) has found children are overrepresented among deaths due to domestic and family homicide, accounting for 32 per cent of all domestic and family homicide deceased in Queensland in 2019-2020.¹⁴ Coercive controlling behaviours were present in many of the cases reviewed by the Board, including those involving children.¹⁵ Additional research undertaken by the QFCC in partnership with the University of Queensland found 'threats to kill a child' were present in 11 of the 90 filicide events studied, representing the deaths of 19 children.¹⁶

Children are also at risk of continued exposure to trauma in the aftermath of DFV. Children can be left to support their injured mother, be required to maintain a relationship with their abusive father, witness the involvement of police and the possible removal of their father from the home or have to leave the family home to move to safety.¹⁷

The QDFVDRAB has also reported on 'numerous cases where young children were exposed to domestic and family violence in childhood, and later went on to suicide in adolescence or adulthood'.¹⁸ Responses for children and young people need to take into account the impact of long-term exposure to trauma, providing support to prevent such tragic outcomes.

As Australia is a signatory to the United Nations *Convention on the Rights of the Child*, all children in Australia have a right to grow up in an environment free from neglect and abuse, and where their best interests are paramount.¹⁹

¹² Ahlfs-Dunn, S., and Huth-Bocks, A. 2016, *Intimate partner violence involving children and the parenting role: associations with maternal outcomes*. Journal of Family Violence V31(1), p.388 accessed 22 June 2021 <https://www.proquest-com.grailproxy.slg.qld.gov.au/docview/1774126205?OpenUrlRefId=info:xri/sid:primo&accountid=13378>

¹³ The Conversation 2017 *Women also sexually abuse children, but their reasons often differ from men's*, accessed 29 June 2021 <https://theconversation.com/women-also-sexually-abuse-children-but-their-reasons-often-differ-from-mens-72572>

¹⁴ Domestic and Family Violence Death Review and Advisory Board 2020, 2019-20 Annual Report p. 31, accessed 07 July 2021 https://www.courts.qld.gov.au/_data/assets/pdf_file/0008/663632/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2019-20.pdf

¹⁵ Domestic and Family Violence Death Review and Advisory Board 2020, 2018-19 Annual Report p. 63, accessed 07 July 2021 https://www.courts.qld.gov.au/_data/assets/pdf_file/0006/630159/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2018-19.pdf

¹⁶ The State of Queensland (Queensland Family and Child Commission (yet to be published), *Recognising and Responding to Red Flags: A guide for the child and family support sector in Queensland* p. 6

¹⁷ Australian Institute of Family Studies 2000, *Exploring family violence: Links between child maltreatment and domestic violence*, NCPC Issues No. 13 — June 2000 accessed 29 June 2021 <https://aifs.gov.au/cfca/publications/exploring-family-violence-links-between-child-maltreatment>

¹⁸ Domestic and Family Violence Death Review and Advisory Board 2020, 2019-20 Annual Report p. 31, accessed 07 July 2021 https://www.courts.qld.gov.au/_data/assets/pdf_file/0008/663632/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2019-20.pdf, p. 59.

¹⁹ United Nations *Convention on the Rights of the Child* preamble accessed 21 June 2021 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



When DFV occurs in a family with children, it is clear those children cannot enjoy their right to be free from abuse. Their right to stable housing, education, health care, family and culture can also be put at risk and their best interests can be overlooked. Where other vulnerabilities exist, the impact on children's rights is greater.²⁰

Governments across Australia have responsibility to make sure children's rights are protected. This means governments must provide holistic child-focussed, trauma-informed and culturally safe DFV services that recognise children as victims of DFV.

Legislating against coercive control and the intersection with the child protection system

Perpetrators use 'abuse of processes' in the course of DFV-related proceedings as a tactic to gain an advantage over, harass, intimidate, discredit, or otherwise control DFV victims as a means of (re)asserting control.²¹ A report by Queensland's Domestic Violence Death Review and Advisory Board found the role of protective systems may 'unintentionally facilitate coercive controlling behaviours which trivialise or silence a victim's experiences of abuse or dissuade [attempts to seek help]'.²²

Examples of abuse of process can include making allegations against the victim to police and taking out a protection order. Where a protection order is in place, examples can include threatening to call, or calling the police, to make a complaint and discredit the victim in the eyes of the police.

'Misidentification of the person most in need of protection' is common in cases where there is ambiguity about which partner perpetrated DFV. The vagueness of definition of coercive control, the breadth of behaviours that make up coercive controlling behaviours and the manipulating nature of individuals who use coercive control exacerbate the difficulty in distinguishing the primary victim.

The discussion paper acknowledges misidentification of the person most in need of protection as a risk in legislating against coercive control.²³ Creating a standalone offence of coercive control will make it possible for perpetrators who use coercive controlling behaviours to use the very legislation designed to protect their victims to assert control over them - for example, by making false allegations of coercive control and seeking a protection order against them.

While protection orders are an instrument of civil rather than criminal law, any breach of a protection order by the respondent represents a criminal offence and may be prosecuted as such.²⁴ Prosecution of such an offence is at the discretion of police. Where a woman is the primary victim but has been listed as a respondent to a protection order, in taking action to protect herself or her children (for example by using violence in self-defence or taking her children to a safe location) may constitute a breach of the order. This may result in criminal charges.

²⁰ Australian Institute of Health and Welfare 202, *Australia's children*, Cat. no. CWS 69 p.338 accessed 22 June 2021

<https://www.aihw.gov.au/getmedia/6af928d6-692e-4449-b915-cf2ca946982f/aihw-cws-69-print-report.pdf.aspx?inline=true>

²¹ Domestic and Family Violence Death Review and Advisory Board 2017, 2016-17 Annual Report p. 58, accessed 23 June 2021 [Domestic and Family Violence Death Review and Advisory Board - Annual Report 2016-2017 \(courts.qld.gov.au\)](https://www.dfvdeathreview.qld.gov.au/publications)

²² Domestic and Family Violence Death Review and Advisory Board 2017, 2016-17 Annual Report p. 58, accessed 23 June 2021 [Domestic and Family Violence Death Review and Advisory Board - Annual Report 2016-2017 \(courts.qld.gov.au\)](https://www.dfvdeathreview.qld.gov.au/publications)

²³ Women's safety and justice taskforce 2021, *Discussion Paper 1: Options for legislating against coercive control and the creation of a standalone domestic violence offence*, p. 44 <https://www.womenstaskforce.qld.gov.au/publications>

²⁴ *Domestic and Family Violence Protection Act 2012 (QLD)* S177(2) and S178(2)



This becomes particularly problematic for families where there are custody procedures taking place, and the victim of DFV has a domestic violence order or police protection notice against her. A perpetrator could threaten to call the police, which could see the victim lose custody of her children.

Where there are allegations of DFV made against the mother and Child Safety is involved with the family, the mother's capability to act protectively may be called into question and it may be assessed that neither parent is willing and able to care for the child (or children).²⁵ The child may be assessed as in need of protection, and removed from their mother. Removal in these instances may not lead to greater safety. Where a child is removed from a parent who is acting protectively in challenging circumstances, this is likely to increase rather than remedy the harm that child is experiencing.

Children have the right to live with their parents unless it has been determined to be unsafe by the state authority.²⁶ Misidentification of the victim can breach the right of the child to grow up safely with their non-offending parent.

Aboriginal and Torres Strait Islander women are particularly vulnerable to the risk of misidentification of the person most in need of protection. An Australia's National Research Organisation for Women's Safety (ANROWS) research paper found this is 'due to the ongoing societal and systemic racism faced by Aboriginal and Torres Strait Islander peoples, including in conceptualisations of the use of violence and stereotypes of the "ideal victim"'.²⁷

The ANROWS paper cites a review of protection order applications for 23,492 unique respondents made in Queensland during 2013–14 which found Aboriginal and Torres Strait Islander women were 'over-represented as both aggrieved and respondents on DFV protection orders, particularly in applications made by police' and 'over-represented in charges for breaches of protection orders and sentences to imprisonment'.²⁸ Advocacy group for women and girls in prison Sisters Inside reports Aboriginal and Torres Strait Islander women are 'routinely misidentified as "offenders" rather than "victims"'.²⁹

The over-representation of Aboriginal and Torres Strait Islander women in DFV orders indicates Aboriginal and Torres Strait Islander children are at greater risk of suffering the consequence of misidentification of the person most in need of protection and of having their right to live with their non-offending parent impacted. The impact of misidentification of the victim can be detrimental to children.

Assessing the New South Wales Crimes (Domestic and Personal Violence) Amendment (Coercive Control) Bill 2020, one researcher has concluded 'further strengthening police involvement without first addressing the

²⁵ The State of Queensland (Department of Children, Youth Justice and Multicultural Affairs) 2021, *Child Safety Practice Manual Procedures: Investigate and assess*, p. 116 accessed 29 June 2021 <https://cspm.csyw.qld.gov.au/getmedia/1e1f3584-8ea3-4040-baeb-4439e9345d1c/Investigate-and-assess-2021-05-13.pdf>

²⁶ United Nations *Convention on the Rights of the Child* Art 9 accessed 21 June 2021 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

²⁷ Australia's National Research Organisation for Women's Safety 2020, *Accurately identifying the "person most in need of protection" in domestic and family violence law: Key findings and future directions* p. 11 accessed 28 June 2021 <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/10/Nancarrow-PMINOP-RR.3.pdf>

²⁸ Douglas and Fitzgerald 2018 in Australia's National Research Organisation for Women's Safety 2020, *Accurately identifying the "person most in need of protection" in domestic and family violence law: Key findings and future directions* p. 25 accessed 28 June 2021 <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/10/Nancarrow-PMINOP-RR.3.pdf>

²⁹ Sisters Inside 2021, *'In no uncertain terms' the violence of criminalising coercive control* accessed 24 June 2021 <https://www.sistersinside.com.au/in-no-uncertain-terms-the-violence-of-criminalising-coercive-control-joint-statement-sisters-inside-institute-for-collaborative-race-research/>



current systemic issues surrounding the police and Aboriginal and Torres Strait Islander women experiencing DFV, would only further exacerbate the situation.’³⁰

The period of separation is recognised as an especially dangerous period for women and the children of women leaving violent partners.³¹ The family law system, courts, child support, Centrelink and the rental tribunal can all become weapons in the ‘armoury’ of the perpetrator, that become dangerous for a woman and her children when she has chosen to leave.³² With little effort from a perpetrator, these systems can be used to take away the women’s right to end the abuse for herself and her children.

Improving outcomes for children

The work of the Women’s Safety and Justice Taskforce will help to determine whether Queensland should enact a legislative penalty for coercive control. In assessing this proposal, the rights of children must be paramount in all policy, legislation and service delivery decisions made about coercive control and domestic and family violence, or any other issues that impact upon them.

To make sure children are protected and their rights are upheld, the focus must be on the delivery of services and programs directly for children and young people. This section will discuss some ways system response can benefit children, including children from diverse families and children who may perpetrate violence. We must be mindful that children’s experiences of DFV can be as wide as that of adults.

Only children and young people with lived experience of domestic and family violence can be experts in their experiences. Children have the right to be heard and their views need to be actively sought in all government activities.³³

The QFCC Youth Advisory Council has provided advice on what children need to feel safe when they witness or experience DFV, what resources should be made available for young people, children and perpetrators, which other types of behaviours might amount to coercive control, and outcomes of coercive control that may not have already been considered. Their ideas are included below.

Services for children

While some DFV services do take a family-focussed approach that includes children, services are generally not funded or focussed on the best interest of children and their right to stability and safety. Instead, services focus on the parent and making sure their rights are considered. This distribution of funding indicates a failure to prioritise the safety and best interests of children.

Child Safety has a responsibility to respond to the safety and wellbeing of children experiencing DFV that come to their attention. However, there are many gaps in which children remain unprotected, and many ways they can be impacted by the systems and processes that focus on the rights of others.

³⁰ Fischer, C. 2021, *Why criminalising coercion and control in Australia poses danger for first nations women*, for One Woman Project, accessed 28 June 2021 <https://www.onewomanproject.org/blog/why-criminalising-coercion-and-control-in-australia-poses-danger-for-first-nations-women>

³¹ Domestic and Family Violence Death Review and Advisory Board 2020, 2019-20 Annual Report p. 62, accessed 08 July 2021 https://www.courts.qld.gov.au/_data/assets/pdf_file/0008/663632/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2019-20.pdf

³² Hill, J. 2019, *See What You Made Me Do: Power, Control and Domestic Violence* chapter 9, Schwartz Publishing Pty, Limited

³³ United Nations *Convention on the Rights of the Child* Art 12 accessed 21 June 2021 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



Furthermore, as children enter their teenage years, they can begin their own relationships in which they can be vulnerable to intimate partner violence and coercive control.

Due to their age and lack of experience in relationships, teenage girls are somewhat more vulnerable to coercive and controlling behaviours than their adult counterparts. Girls experiencing other vulnerabilities such as living homelessly or living with disability are at even greater risk due to increased reliance on their (sometimes older) partner.

One member of the QFCC's Youth Advisory Council (a Youth Advocate) spoke of how coercive control has the potential to prevent expression of true gender or sexual identity. While this is true for any age group, young people's lack of experience in relationships can make them vulnerable to coercive abuse including being made to continue in a relationship that does not match their sexual identity for fear of being 'outed' or being told 'this is just a phase', 'I can turn you straight' or by using the child's age against them, saying 'you are too young to understand'.

Whatever their circumstance, children need dedicated DFV help services in easily accessible places. Children and young people value feeling safe and having a positive school environment where they have well-developed and trusting relationships with adults and other caregivers.³⁴

Youth Advocates suggest having access to child protection services or mental health care services through their school that can help children process what has happened and take steps to get support. DFV services on campus at universities or TAFE would be another safe place for young people.

Youth Advocates suggest resources should be written in a language that young people can understand. They want resources to be solutions-focussed with information about DFV and the signs of coercive control. They also want access to services dedicated to young people, such as protective and mental health services and information support lines. Youth Advocates remind us young people can be the carer or support person of siblings, friends or family who are experiencing DFV, and dedicated resources for these young people are needed.

For younger children, Youth Advocates suggest resources written in a language that children can understand, with access to services targeted to children. These resources would be best used by trusted adults in a safe environment sensitively reading through with children and allowing children time to ask questions and explore these topics more deeply.

"Witnessing DV is different to experiencing DV, which is different to supporting someone experiencing DV, and is again different to someone who perpetrates DV. Children and young people can find themselves in any of these situations, and appreciation of the effects of each of these"

- QFCC Youth Advocate

Youth Advocates are concerned there are not enough services to support children who are experiencing coercive control and DFV. They say children need more information about their rights in relation to coercive control. For example, children need to know their rights if their mother chooses to stay with a partner who perpetrates violence, they want to know how and where they can get support. They say there is a need for

³⁴ The Stet of Queensland (Queensland Family and Child Commission) 2018, *This place I call home: The views of children and young people on growing up in Queensland* accessed 05 July 2021 https://www.qfcc.qld.gov.au/sites/default/files/2020-02/This-place-I-call-home-report_FULL_0.pdf



dedicated youth workers within domestic violence services for both children who present with their parent, and children who seek help alone.

Services responding to diversity

Culturally and linguistically diverse women and their children

People from culturally and linguistically diverse backgrounds face challenges and barriers when accessing services and seeking safety from violence.³⁵ Barriers can include stigma, fear, language or culture. Where coercive and controlling behaviours are present in their relationships, these barriers are exacerbated. Their partner may prevent them from leaving the house to attend appointments or monitor their phone calls.

Women from non-English speaking backgrounds seeking assistance for DFV may be forced to rely on their partners, another family member or a child, as an interpreter when they have sought help. This creates a difficult environment where a woman is reliant on her abuser, or another person who is aware or otherwise impacted or benefits from the abuse, to seek the services and support they need.

A recent report by Monash University's Migration and Inclusion Centre in collaboration with Harmony Alliance draws on survey responses from almost 1,400 migrant and refugee women across Australia from September-November 2020. The report finds up to one-third of women who responded experience domestic and family violence. Of that group, 91 per cent experienced controlling behaviours.³⁶

As well as 'general controlling behaviours' the authors identify 'migration-related controlling behaviours' which can include threats to have a women deported while her children would remain in Australia, threats to send her children to another country to be cared for by extended family and threats to her children in some other way in relation to their visa or her visa and where they will live and grow up.³⁷

Services must be able to respond to diversity and diversity of experiences in the communities they serve. For example, of the women interviewed in Monash University's study, only 22 per cent of those who were temporary visa holders and/or who had experienced migration-related controlling behaviours were confident in knowing the visa they held and their rights under that visa.³⁸ Providing and explaining information about visas to migrant women would help them to understand their rights and prevent their partners from being able to control them and their children in this way.

Aboriginal and Torres Strait Islander women and their children

Many Aboriginal and Torres Strait Islander peoples have genuine and understandable distrust of government service. The legacy of colonisation, past policies of child removal, and ongoing systemic issues rooted in societal racism continue to impact Aboriginal and Torres Strait Islander women's experiences of authority and government services.

Aboriginal and Torres Strait Islander women are overrepresented in statistics of domestic and family violence, and their children are overrepresented in out of home care. In 2016-17, across Australia, Aboriginal and Torres

³⁵ Australia's National Research Organisation for Women's Safety 2018 Attitudes towards violence against women and gender equality among people from non-English speaking countries https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/07/2017NCAS_NMESC_Report.1.pdf

³⁶ Segrave, M., Wickes, R. and Keel, C. 2021, *Migrant and refugee women in Australia: The safety and security study* p.38 accessed 01 July 2021 file:///C:/Users/mellorb/Downloads/Report-Migrant%20and%20refugee%20women%20in%20Australia-%20The%20safety%20and%20security%20study_June%202021_MMIC%20&%20Harmony%20Alliance.pdf

³⁷ Ibid. p. 39

³⁸ Segrave, M., Wickes, R. and Keel, C. 2021, *Migrant and refugee women in Australia: The safety and security study* p.42 accessed 01 July 2021 file:///C:/Users/mellorb/Downloads/Report-Migrant%20and%20refugee%20women%20in%20Australia-%20The%20safety%20and%20security%20study_June%202021_MMIC%20&%20Harmony%20Alliance.pdf



Strait Islander people were 32 times as likely to be hospitalised for family violence compared with non-Indigenous people, and Aboriginal and Torres Strait Islander children were eight times as likely to receive child protection services as non-Indigenous children.³⁹ Aboriginal and Torres Strait Islander women may be reluctant to seek the help and services they need for fear of losing their children (temporarily or permanently) to child protection services.

Services should be able to recognise and build on the strengths of the women they support and the communities that support these women. Resilience, strength and connection are enduring features of Aboriginal and Torres Strait Islander culture and communities. Acknowledging and working with these qualities where possible will help to build genuine trust and enable quality responses to family violence.

Aboriginal and Torres Strait Islander women with lived experience and expertise must have opportunities to work with the Taskforce to establish what will be needed in legislation and services around coercive control. The views and experiences of Aboriginal and Torres Strait Islander women need to be actively sought in trauma-informed and culturally safe environments and must be fully considered when making recommendations.

Programs for children who offend, or are at risk of offending

Where controlling behaviour is role-modelled without intervention, children can go on to repeat the behaviours they have been exposed in their own relationships. Programs that educate children and young people about domestic and family violence can help them to have relationships that are free from violence, threats of violence, and coercive control.

The ANROWS 2017 National Community Attitudes towards Violence against Women Survey (NCAS) found many young men do not understand that controlling behaviours in relationships are a problem and believe having control is a normal part of a relationship. In 2017, only 70 per cent of young men who responded were able to identify ‘controls the other partner by denying them money’ as a form of domestic violence and only 79 per cent recognised ‘repeatedly keeps track of location, calls or activities through mobile phone or other devices without consent’ as a form of domestic violence.⁴⁰

The NCAS report on young Australians’ attitudes to violence against women and gender equality suggests ‘supporting young men and women to establish positive gender expressions and relationship practices has many benefits. It can help to reduce the risk of violence and abuse in the present, prevent future harm and maximise the prospects of a violence-free environment for future generations.’⁴¹

“Perpetrators should have access to counselling and rehabilitative resources that can assist in reinforcing what appropriate behaviour is in a given context, and uncovering perpetrators’ motivations for acting in an abusive manner so that these underlying issues can be addressed.”

- QFCC Youth Advocate

³⁹ Australian Institute of Health and Welfare 2019, *Family, domestic and sexual violence in Australia: continuing the national story*, <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-australia-2019/contents/summary>, accessed 15 July 2021, pp. 106 & 117.

⁴⁰ Australia’s National Research Organisation for Women’s Safety 2018, *Young Australians’ attitudes to violence against women and gender equality: Findings from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS)*, p.19 accessed 30 June 2021 <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/12/2017NCAS-Youth-SubReport.pdf>

⁴¹ Ibid p.12



Children and young people who use violent or controlling behaviours should be given opportunities to take part in programs that help identify, regulate and de-escalate behaviours and take account of past trauma that may present as a backdrop for their actions. This should be modelled on the principles of restorative justice, prevention and early intervention.

R4Respect is one such program. The R4Respect program is an education and prevention strategy based in Logan which aims to prevent anti-social behaviour and violence, including violence in personal or intimate relationships. R4Respect features a peer-to-peer model where young people aged 17-24 years are the agents of change.⁴²

“It is easy for support services to be reactive as opposed to preventionary that DV is such a prevalent issue. Prevention starts with perpetrators and self-recognition, which can easily be overlooked.”

- QFCC Youth Advocate

The NCAS report points out ‘addressing violence among young people will involve addressing norms, practices and structures in the wider community and society that contribute to violence, since these influence young women’s risk of violence and contribute to the attitudes and practices of young people.’⁴³

Community responses to domestic and family violence should include prevention strategies that teach children positive behaviours and skills from an early age to prevent future family, domestic and sexual violence. Youth Advocates suggest early intervention resources such as self-recognition tools and a dedicated anonymous helpline for those that suspect they may be perpetrating DFV or its constituents.

Making child-focussed DFV services available is an important step to protecting the rights of children. Regardless of legislative outcomes, the funding and focus of supporting systems will be a significant factor in protecting children’s rights, safety and wellbeing where DFV and coercive control is present in their lives.

⁴² R4Respect [webpage] accessed 30 June 2021 <http://r4respect.org/>

⁴³ Australia’s National Research Organisation for Women’s Safety 2018, *Young Australians’ attitudes to violence against women and gender equality: Findings from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS)*, p.12 accessed 30 June 2021 <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/12/2017NCAS-Youth-SubReport.pdf>