Should coercive control be a crime in New Zealand?

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There is growing international recognition that intimate partner violence is predominantly characterised by **coercive control**: a pattern of behaviour that isolates, monitors, restricts, humiliates, frightens, or makes a victim-survivor entrapped by an abusive partner. Because coercive control is made up of many acts that may not individually be crimes, focusing only on isolated incidents can fail to capture the cumulative harm experienced by victims.

Several jurisdictions have introduced coercive control offences, including England and Wales (2015), Scotland and the Republic of Ireland (2019), Northern Ireland (2022), New South Wales (2024), Queensland (2025), and South Australia and Canada (2026, not yet in force). Maximum penalties range from 5 to 14 years imprisonment. Definitions are broadly similar but differ in what must be proven. The law in England and Wales requires proving harm to the victim. More recent laws generally require proof that behaviour is likely to cause harm, along with proving an intention to harm or recklessness.

Potential for a coercive control crime to be used against victim-survivors

A major concern is the potential for coercive control laws to be used against victim-survivors. Family violence specialists have long highlighted problems within criminal and family justice systems, including:

- misidentifying victims as offenders,
- interpreting self-defence as violence, and
- treating abuse as mutual conflict rather than recognising power imbalances and differences in the intent and impact of violence.

UK-based researcher Marianne Hester found in 2012 that women are three times more likely to be arrested than their male partners at a domestic abuse incident involving counter-allegations, often where they have used force to protect themselves.

Difficulty in identifying the offender and the victim (the person most in need of protection) is reported as a widespread problem in implementing the law in the UK. Studies show police often perceive these cases as “one word against the other” which may be more likely to

result in cases closed due to 'insufficient evidence' (Barlow & Walklate, 2025) as in the wrongful arrest of a victim.

Coercive control crimes: charging and conviction rates

The use of the coercive control crime in England and Wales showed a steady increase over the first nine years, growing steadily from 198 charges laid in 2016 to 4,955 charges laid in 2024, and 3,149 charges laid in the first half of 2025. According to the Crown Prosecution Service, this is a result of updating prosecution guidance, strategies that don't rely solely on victim testimony, and closer partnerships between prosecutors, police, support services, and Independent Domestic Violence Advisors (IDVAs). While this increase in prosecutions is significant, it is still relatively small compared to the 1.4 million domestic abuse-related crimes recorded in the year 2023.

Out of 2,501 Northern Ireland court cases where a charge of coercive control (called 'domestic abuse') was laid in 2024/25, there were 1,408 convictions (56.3%). Unsurprisingly, there was a much higher conviction rate of 61.9% for cases that also had a Violence Against Person offence. For all Violence Against Person offences, there was a conviction rate of 87.4%.

NZ conviction rates appear to be lower overall, as the conviction rate for Common Assault in family violence related cases is about 75%, for Male Assaults Female about 50% and Assault on a Family Member about 61%. Therefore, it's likely that a conviction rate for a new crime of coercive control in New Zealand would be lower than 56.3%, which could further disincentivise Police from investing time and resource into investigating an already hard-to-prove crime.

Northern Ireland case file reviews show that police officers did not correctly identify and record domestic abuse offences in up to 40% of cases. This indicates that police in this jurisdiction have also been frequently failing to recognise and charge coercive control – a problem we would expect to see in New Zealand as well.

Targeting minoritised offenders vs immediate protection for victim-survivors

Another concern is that a coercive control crime will unfairly target minoritised offenders, that is, offenders from communities that are marginalised and disadvantaged because of their experience of social inequity. In particular, Māori are significantly overrepresented in New Zealand's criminal justice system. A similar concern is that this crime would fail to hold to account the offenders who hold positions of power in society.

However, while the criminal justice system overall is rife with racial and gender discrimination, ringing the police is often the only way that victims can be protected in the short term, whether or not the longer term outcomes of police involvement are beneficial for them.

Similarities between crimes of stalking and coercive control

With the new crime of stalking and harassment active since May 2026, police can now act when stalking is reported, even in the absence of other crimes or immediate physical danger. Police can serve a notice after a first act of stalking, and arrest after two or more acts within two years. In the first three months, 918 notices were served and 140 charges laid. It's too soon to know what the initial conviction rate will be for this offence.

Like stalking, coercive control is a pattern-based crime overwhelmingly perpetrated by men against women. Prosecuting these crimes requires police and criminal justice professionals to understand context, patterns, intent and cumulative harm. This is a giant leap for a system that has historically focused on prosecuting isolated incidents of criminal behaviour.

> *"When you're responding, you're not thinking 'this could be coercive control'. You tend to think 'have they been hit', 'have they been stabbed', but you could go in and think, 'are they being controlled', but the reality is, we don't." police officer* (Barlow & Walklate, 2025)

Coercive control crimes in the UK, Scotland, the Republic of Ireland and Australia are all in a context of broader strategies to address gender-based violence. While New Zealand's national strategy to end family violence and sexual violence acknowledges the gendered nature of these forms of violence, there is no strategic national focus on gender-based violence.

What is needed to ensure a crime of coercive control protects victim-survivors

Criminalising coercive control in New Zealand would be a logical progression towards a justice system that is enabled to better recognise and respond to pattern-based violence. However, legislation alone will not improve safety for victim-survivors.

Victim-survivors, advocates and researchers have repeatedly identified limited understanding of coercive control within justice systems as a core problem. Police often have little time to understand complex histories of abuse, while many victim-survivors report police responses that make them feel less safe or reluctant to seek help in the future. One-third of 599 victim-survivors in a 2024 study said police took the side of their abuser (The Backbone Collective & Hohou Te Rongo Kahukura, 2024).

More urgent priorities for victim-survivors

Many NZ family violence specialists argue that two related areas of reform are more pressing because they would have a greater impact on victim-survivor safety and wellbeing:

1. **Reforming the family justice system,**
   The family justice system currently lacks effective processes for identifying who is perpetrating family violence, who is experiencing it, and how children are being

harmed. Better use of specialist expertise, improved engagement with children, and more robust assessment of family violence histories could improve care and contact decisions and reduce ongoing abuse through post-separation coercive control. (Website coming soon at www.focusonsafety.org.nz).

2. **Reforming financial systems**
   Economic abuse is a powerful tool of coercive control, both during relationships and post-separation. Reforming financial systems to make them harder to weaponise, and improving access to financial remedies and reparation, would do more to prevent economic harm than creating a new criminal offence. (see www.thisisviolence.co.nz).

What needs to happen before or alongside criminalising coercive control

> *"I think they just treat it like any other situation they go out to. They look at what's in front of them and not beyond that. But coercive control isn't something you can see really. It so complicated, unique to the people involved and even though I've had lots of support in understanding what happened to me I still can't quite get my head around it, and I lived it. So, a police officer chatting to you for an hour or usually less isn't going to get it are they? So, I think straight away there is that difficulty of trying to explain all of this to a police officer which puts women off. Well, it did me anyway, where on earth do you start? And I think there is also a reluctance to understand the harms of it. It can all sound a bit trivial, can't it? It's only when you look at it all together you can start to put the pieces of the puzzle together. But are the police realistically going to do that every time? I don't think so."* - victim-survivor (Barlow & Walklate, 2025)

If New Zealand introduces a coercive control offence, additional steps are needed to ensure its effectiveness:

- Significant investment is required to train and support police, prosecutors, judges, and other justice professionals to understand coercive control, stalking, victim resistance, and offender tactics involving systems abuse, and to accurately identify perpetrators and victims. Although the Ministry of Justice has invested in specialist family violence and sexual violence response training for the court workforce, this training doesn't reach frontline police nor the judiciary, and is not specific enough in training needed for prosecutors and other key roles that aid with investigating and prosecuting family violence and stalking offences.

- Better use of language across the justice system is needed to clearly identify who is using harmful behaviour and who is being harmed, rather than obscuring responsibility and harm through neutral or misleading terminology. Terms such as "parental disputes" or "complex cases" which are commonly used in the Family Court where family

violence is present, can mask power imbalances and patterns of abuse. Language such as "safe homes", currently a NZ Police strategic priority, makes the perpetrator invisible and understates the reality of tactics that extend beyond the home into every aspect of victims' lives.

- Continued improvement of local multi-agency responses to family violence. A 2024 Te Puna Aonui review of current state of these responses pointed to numerous gaps and a lack of consistency in all facets, with current investment focused on implementing a new high risk protocol in four sites. Investment is particularly needed for community resources to engage with and monitor people who use family violence so that responses don't focus on supporting victim-survivors without addressing the source of their harm and risk.

- Improved evaluation of family violence response initiatives, by consistently commissioning family violence evaluators with enhanced to expert level family violence capability, rather than frequently used government-contracted evaluators with inadequate understanding that leads to evaluations that are at best unhelpful and at worst harmful.

- Improved availability and use of family violence expert witnesses who are prepared to testify in complex trials, as the best way to address the lack of understanding about coercive control and entrapment in the criminal court system (Henaghan et al, 2021).

- To work with family violence specialists to ensure the family violence bench book that guides judicial decision-making is based on up-to-date evidence, and made public.

Read more about criminalising coercive control:

Barlow, C & Walklate, S. (2025) Learning Lessons from the Criminalisation of Coercive and Controlling Behaviour Ten Years On: The Implementation Journey in England and Wales. International Journal for Crime, Justice and Social Democracy. Vol 14 (4) 2025 (*Note this paper summarises findings from 3 research studies over a 10-year period*)

Hope, T. & Williams, K. (2025) 'Doing his job for him': How the criminal justice system fails victims of coercive control who are accused of offending. Centre for Women's Justice.

Wilder, H. (2024) Coercive Control: The Cost of Criminalization. Richmond Public Interest Law Review