

# **Recognising and Responding to Reproductive coercion and abuse Insights from the Australian community legal sector**

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Subheading



# Acknowledgement of country



# Acknowledgements

## **South East Monash Legal Service (SMLS)**

- Ashley Newnham – Acting CEO
- Nabila Marzouk – Associate Director, Integrated & Community Programs
- Legal practitioners at SMLS

## **Academic collaborators**

- Prof Heather Douglas AM – University of Melbourne
- Prof Laura Tarzia – University of Melbourne



# Overview of today's presentation

- Define reproductive coercion and abuse (RCA) and understand its forms.
- Discuss the intersection of RCA with other forms of gender-based violence.
- Discuss legal frameworks and protections related to RCA within Australian law.
- Discuss findings from focus groups with Australian community legal practitioners



## Reproductive coercion – initial conceptualisation

Explicit male behaviours to promote pregnancy (unwanted by the woman)

- Pregnancy coercion
- Contraceptive sabotage

1. Told you not to use any birth control (like the pill, shot, ring, etc.)
2. Said he would leave you if you didn't get pregnant
3. Told you he would have a baby with someone else if you didn't get pregnant
4. Taken your birth control (like pills) away from you or kept you from going to the clinic to get birth control
5. Made you have sex without a condom so you would get pregnant
6. Hurt you physically because you did not agree to get pregnant
7. Taken off the condom while you were having sex, so you would get pregnant
8. Put holes in the condom so you would get pregnant
9. Broken the condom on purpose while you were having sex so you would get pregnant

# Reproductive coercion and abuse (RCA)

Reproductive coercion and abuse is defined as any deliberate attempt to dictate a woman's reproductive choices or interfere with her reproductive autonomy. It can include physical, psychological or sexual tactics and occurs in a context of fear and/or control in an interpersonal relationship.

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**Promoting pregnancy**

**Forced conception**

**Interference with contraception**

**Pressure to continue an unwanted pregnancy**

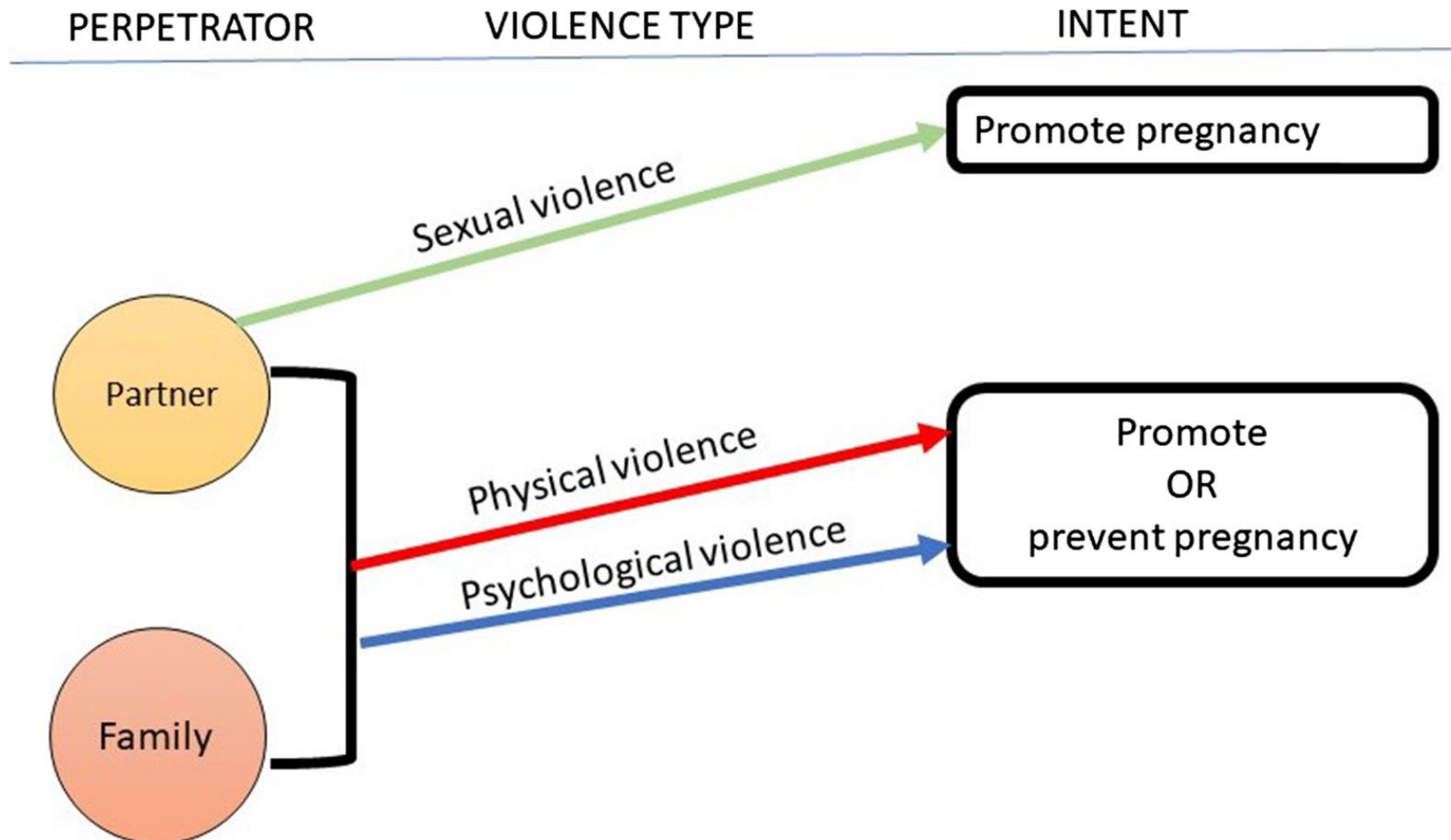


**Preventing pregnancy**

**Forced contraception**

**Pressure to terminate a wanted pregnancy**

# How violence is harnessed to perpetrate RCA

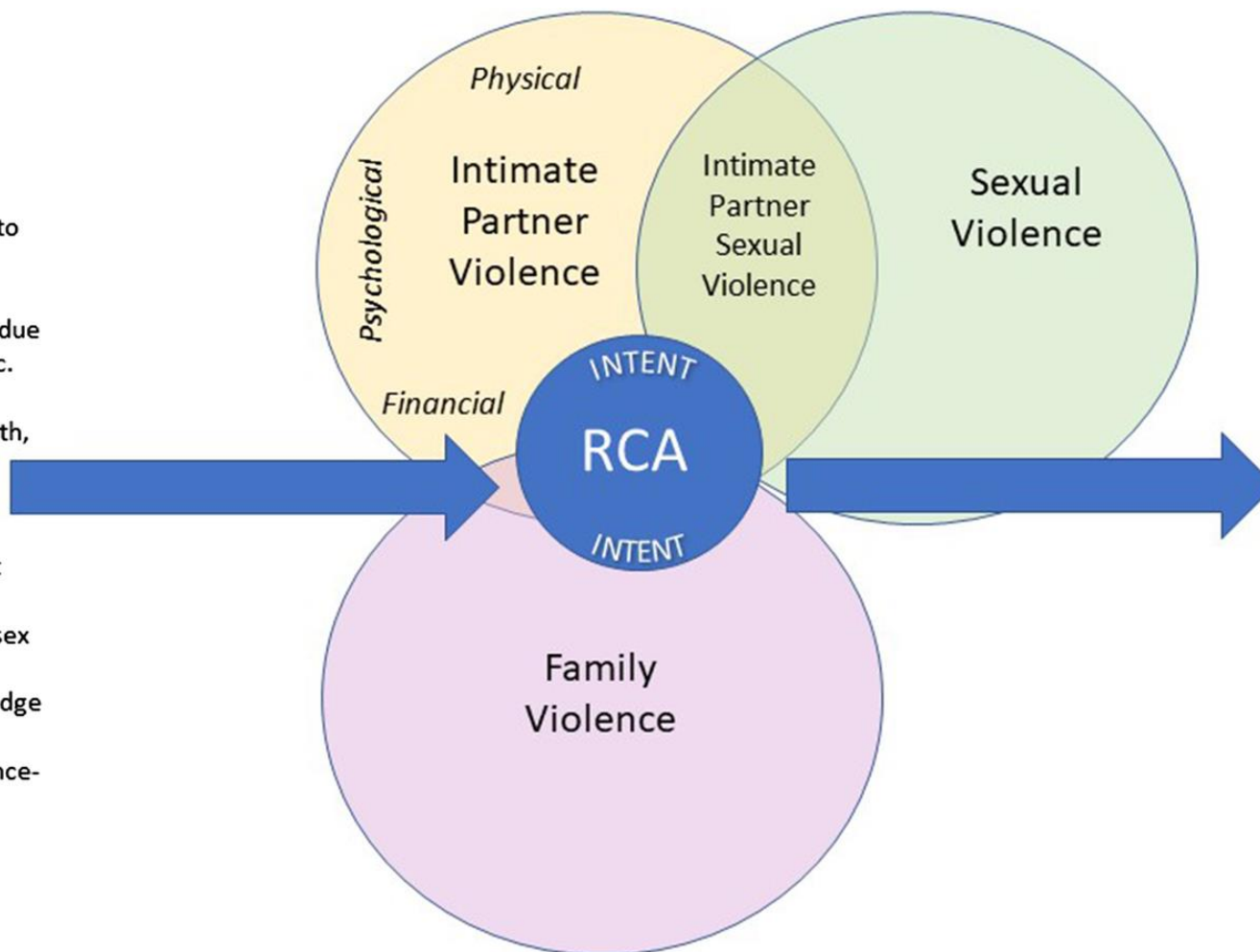




# Interpersonal vs structural coercion

## Contributing factors

- Government policies that prevent or impede access to abortion or infringe on women's human rights
- Lack of access to abortion due to availability, eligibility etc.
- Negative social attitudes (towards abortion, childbirth, women's role)
- Lack of sexual health education
- Religious views that do not condone abortion
- Patriarchal norms around sex & reproduction
- Lack of community knowledge about RCA
- Gender inequality or violence-supportive attitudes
- Structural inequalities



## Protective factors

- Government policies that support access to abortion and promote women's rights
- Freely available abortions in a range of settings and locations
- Access to contraception
- Social attitudes that destigmatise abortion, and support women's choices around reproduction and motherhood
- Sexual health education
- Community awareness around RCA
- Gender equality
- Policies promoting equal access to structural supports

# People who may use RCA



Intimate partners



Parents/guardians



Family members  
(such as In-laws)



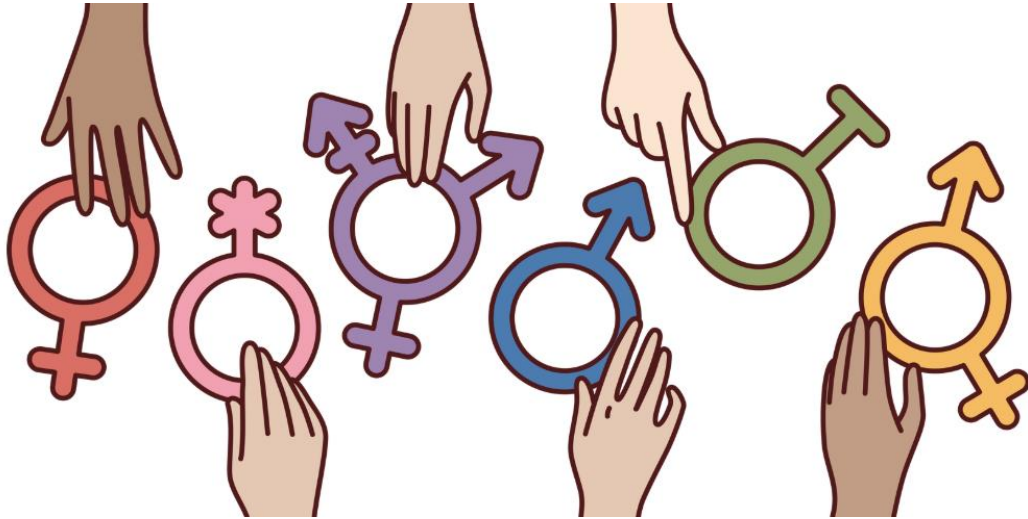
Carers



Health providers



Religious/community  
leaders



# RCA is gender-based

RCA is rooted in gendered power inequalities

Women and pregnancy capable individuals face disproportionate risks and consequences

- Biological reality
- Economic dependence
- Social and cultural expectations

RCA is tied to other forms of gender-based violence

RCA often co-occurs with domestic violence, sexual violence, and financial control.

Structural and Institutional RCA Reinforce Gender Inequality





**RCA is about power  
It's about control**

**For legal contexts, it's about  
the act and not the outcome**

# Case Law Scenario

## HL v HR, [2024] QDC 126

*HL brought legal action against HR, her stepfather, for historical sexual abuse, physical violence, and psychological abuse spanning from 1980 to 1992. During this period, HL alleges that HR exercised complete control over her life, including her reproductive choices.*

*HL states that from the age of six, she experienced repeated sexual abuse and coercive control by HR, which escalated in frequency and severity as she got older. She became pregnant when she was 18.. HL alleges that HR pressured her to terminate the pregnancy. However, the pregnancy was not terminated.*

*In 2022, HL initiated civil proceedings against HR, seeking damages for the physical, emotional, and psychological harm she suffered. Around the same time, HR was also charged with related criminal offenses stemming from HL's allegations. The case became further complicated when HR failed to respond to HL's civil claim, leading to a default judgment being entered against him in 2023.*



**Does HR's attempt to pressure HL  
into terminating her pregnancy qualify  
as RCA?**



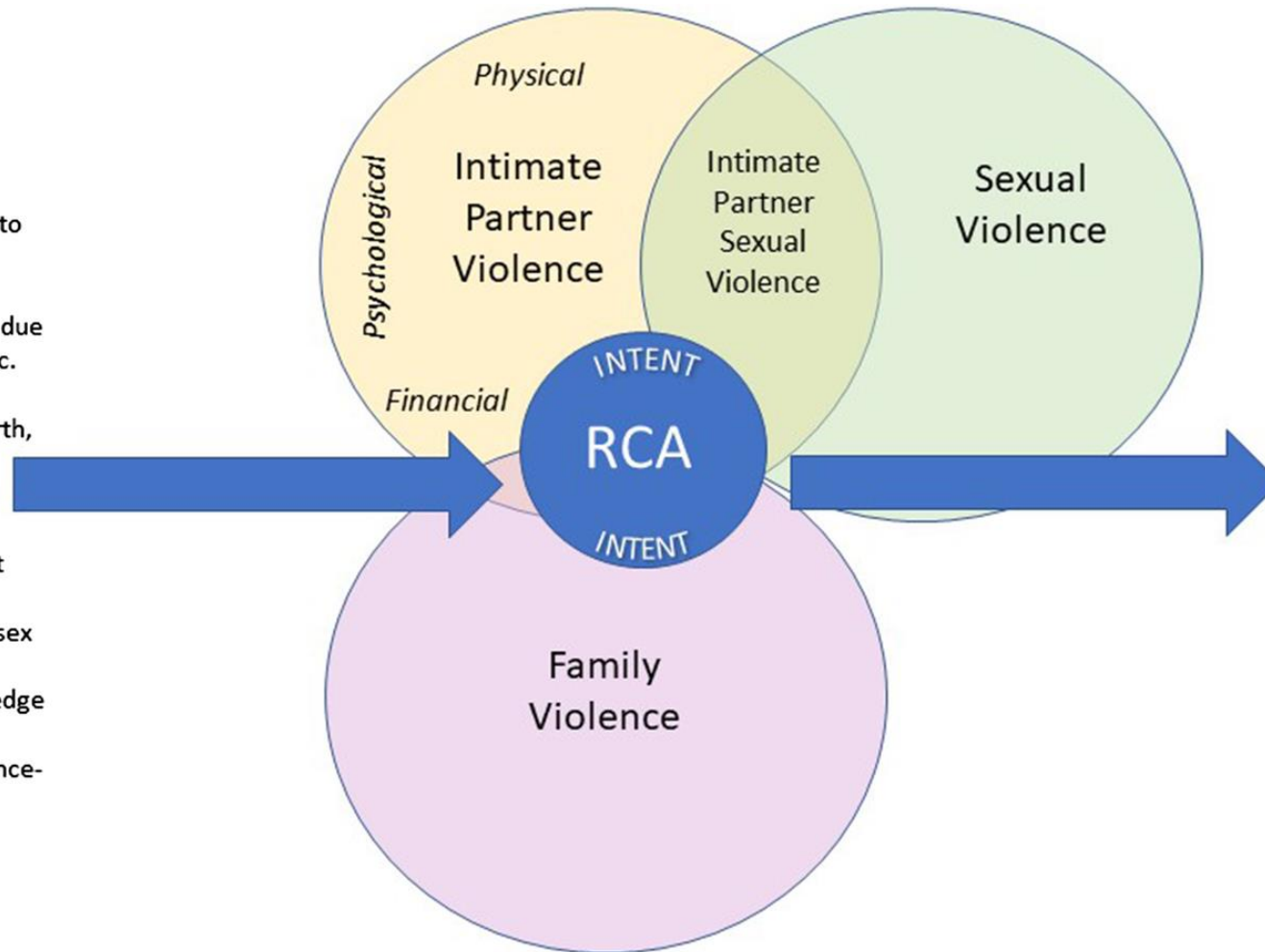
**The sexual abuse resulted in a pregnancy. Would you classify this as RCA?**



# Why intent matters

## Contributing factors

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# Does intent matter in the law?

The law generally applies to what was done, rather than why it was done.

For lawyers, the key question is not whether the perpetrator meant to control reproduction but whether their actions deprived someone of reproductive choice.

RCA could still be argued in court even when intent is unclear, such as in cases of pregnancy resulting from abuse.



# Why is RCA important for the community legal sector?

RCA has long-term consequences - impacts on safety, wellbeing, and rights

RCA is a legal/justice issue, not just a private matter

Lawyers are gatekeepers of justice, and victim-survivors of RCA may require legal intervention

Lawyers are often the first point of contact with the justice system for victim-survivors



# Our Research Project

What does legal response to RCA look like across different areas of law?

How can legal practitioners be better equipped to support victim-survivors effectively in these contexts?



# Community legal centres in Australia



## What makes a community legal centre?

Community legal centres are distinct within the legal assistance sector. Our movement has a unique service model and set of values, underpinned by its 50 years’ history.

Community legal centres were built by activists in response to the impact of injustice on their communities

Centres provide services across a range of areas of law, primarily civil and family law.

The top four areas of law in which Centres provided services in 2020- 2021 were:
1. Family law (in particular, parenting arrangements)
2. Family violence protection orders
3. Housing
4. Credit and debt



# Legislative provisions for RCA under statutory law

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Crimes Act 1958 (Vic)
- Summary Offences Act 1966 (Vic)
- Family Violence Protection Act 2008 (Vic)
- Personal Safety Intervention Orders Act 2010 (Vic)
- Victims of Crime (Financial Assistance Scheme) Act 2022 (Vic)
- Abortion Law Reform Act 2008 (Vic)
- Assisted Reproductive Treatment Act 2008 (Vic)
- Guardianship and Administration Act 2019 (Vic)
- Migration Act 1958 (Cth)
- Family Law Act 1975 (Cth)



# RCA and the Law

How is RCA  
currently recognised  
in the law?

RCA is only explicitly recognised in South Australian Law through amendments to the Intervention Orders (Prevention of Abuse) Act 2009.

Specifically, Section 8(4) of this Act recognises that:

*"Coercing a person to terminate, or not to terminate, a pregnancy can constitute an act of abuse resulting in emotional or psychological harm".*



# RCA and FV Legislation

RCA can be implicitly covered under family violence legislation

<i>Behavior outlined in family violence legislation</i>	<i>ACT</i>	<i>NSW</i>	<i>NT</i>	<i>QLD</i>	<i>SA</i>	<i>TAS</i>	<i>VIC</i>	<i>WA</i>
Reproductive coercion and abuse					#			
Sexual violence (including sexual coercion)	*	*	*	*	*	*	*	*
Physical violence	*	*	*	*	*	*	*	*
Economic/financial abuse	*		*	*	*	*	*	*
Verbal abuse and threats	*	*	*	*	*	*	*	*
Coercion	*	*	*	*		*	*	*
Control		*		*	*		*	*
Damage/interference with property	*	*	*	*	*	*	*	*
Emotional/psychological abuse/intimidation/harassment	*	*	*	*	*	*	*	*
Stalking/surveillance	*	*	*	*	*	*		*
Forcing/coercing/allowing another person to commit violence				*	*			*



# Case Law

- WestLaw Australia, 23 full-text cases published in the year 2024
- (Coerc\* OR Violen\* OR Abus\* OR Pressur\* OR Forc\*) AND (Contracept\* OR Abort\* OR Pregnan\*)

Case Citation	Decision Date	Legal Matter	RCA Behaviours in Case	Legal Outcome	Role of RCA in Legal Case
Federal Circuit and Family Court of Australia (Division 1)					
<a href="#">Qureshi v Abernathy</a> , [2024] FedCFamC1F 21	9 Feb 2024	Family law - parenting orders and child protection	At age 17, mother reported being told by the father and her mother that she had to terminate her pregnancy	Sole parental responsibility awarded to the father; supervised visitation for the mother	Custody was denied to the mother. Allegation of RCA was not accepted due to mother's lack of credibility and supporting evidence
<a href="#">Lundin v Almstedt</a> , [2024] FedCFamC1F 186	21 Mar 2024	Family law - parenting orders dispute	Allegation that father sexually assaulted mother, resulting in pregnancy (no evidence provided on father's reproductive intent)	Mother awarded sole parental responsibility; father ordered no contact unless initiated by children	Allegation was not substantiated; decision was based on findings of parental capacity





# SMLS case studies

## CASE STUDY: INTERSECTION OF RCA AND MIGRATION

4



**Service:** Mother's Legal Help – Parenting Advice and Referral to Safe Landing (Migration)

**Advice Sought:** DNA testing to confirm paternity and assist with government agency claims

The client's de-facto partner, from a conservative religious background, vehemently opposed her pregnancy, citing cultural and familial pressures. His coercive behaviour included sexual assault, physical intimidation, and verbal threats to force her into terminating the pregnancy. His sister contributed to the abuse, verbally abusing the client to compel a termination. Despite this, the child was born, only for the father to deny paternity and revoke sponsorship for her partner visa. This left the client navigating not only the legal implications of RCA but also the complexities of migration and parental rights.

**Outcome:** The client received parenting advice and a referral to the Safe Landing Program, a specialised service to address the intersecting issues of safety, migration, and financial stability.



# SMLS case studies

## CASE STUDY: CONTROL BEYOND CONCEPTION

1



**Service:** Integrated Services for Survivor Advocacy (Victims of Crime Assistance Tribunal (VOCAT))

**Advice Sought:** Assistance with an application for financial support

The applicant's statutory declaration painted a harrowing picture of RCA intertwined with a pattern of abusive control by her ex-husband. Her first pregnancy was coerced through a combination of psychological manipulation and sexual pressure. During her second pregnancy, he escalated his control, procuring medication to induce an abortion against her will. Following childbirth, he demanded sexual relations, ignoring medical advice and her recovery needs. His behaviour extended beyond reproductive control to financial domination and included isolation from support networks.

**Outcome:** The Tribunal acknowledged that the applicant was a victim-survivor of rape, awarding her \$10,000 in recognition of the violence and its enduring impact.



# Mapping review of training and resources for service providers

This mapping review catalogs existing RCA training programs, workshops, resources targeted to service providers in Australia. The objective was to provide an overview of available training, highlighting their structure, content, target audience, and learning outcomes.

Training/ Workshop Name	Provider	Format (Cost)	Key Content	Target Audience	Learning Outcomes
<a href="#">Understanding RCA: Specialist FDV Sector Training</a>	Sexual Health Quarters (SHQ), Western Australia	6 hours eLearning + 2-hour in-person workshop (\$198 + \$375 eLearning)	Recognising RCA, responding to disclosures, referral pathways, collaboration with healthcare professionals	FV and community sector workers	Identify RCA, refer clients to appropriate services, collaborate with healthcare providers



# Focus Group Insights

A total of **23 community legal practitioners** from Victoria participated in the focus groups.



# Framing and Recognition of RCA

*“Reproductive coercion is not listed as an offence, it would fall within the broader sphere of family violence... reproductive coercion is not in that [family violence] definition ... it would be implied anyway through describing sexual abuse, emotional abuse, coercive control. And then it just goes on to say that the definition is broad, but it’s not a terminology that we would ... specifically come across in victims of crime and also in family violence stuff.” (FG 1)*

*“Well, it would really depend on what the behaviour is around it. So, for example, if it’s convincing someone to come off contraception, we would lump that under coercive behaviours. But we wouldn’t necessarily label it as reproductive coercion. Or if it’s physically dragging someone to a specific place or making them feel bad for continuing something, we would say it’s emotional abuse or physical abuse.” (FG 1)*



# Legal contexts where RCA is encountered and addressed

*“We see this all the time, especially on the family violence duty list, intervention order duty list, and it’s not something that we’d ever really coined a term for, but when you stop and think about it, you do see it all the time, you know, control over pregnancies, pressure to end a pregnancy, you know, at the most extreme, physical violence causing miscarriages is something we see not irregularly on the duty list.” (FG 3)*

**FV Intervention Orders**



## Domestic and Family Violence Protection Orders

Some of the things FV duty lawyers could consider:

- Including RCA in submissions - As RCA is not always explicitly named in domestic and family violence laws, duty lawyers may need to frame it as a form of coercive control, sexual violence, emotional abuse, or financial control under existing legal provisions.
- Based on the type of RCA, you could also request specific conditions in the protection order to safeguard against RCA-related abuse:
  - Restrictions on interference with medical appointments
  - Prohibition on specific types of coercion e.g. financial



# Victims of Crime (Financial Assistance)

*“It depends what related actions there are around reproductive coercion, because that’s not specifically recognised as something that the tribunal will provide redress. If it’s reproductive coercion as well as sexual assault, as well as physical assault during the course of a long-term relationship ... it sounds really terrible, but there’s a table hierarchy of how traumatising this certain action is and how much they might be able to claim.” (FG 1)*

*“I had one client that I wrote submissions for – an act of violence focused on aggravated burglary and assault, but through contextualising the abuse and the relationship, there were text messages from her partner encouraging her to have an abortion ... we weren’t labelling it – we were adding it in but it wasn’t looked at isolated, was within emotional abuse and physical abuse.” (FG 1)*

Category	Violent Act	RCA Related Behaviours	Single Violent Act Compensation	Related Acts Compensation
A	<ul style="list-style-type: none"><li>• Sexual penetration (rape)</li><li>• Attempted murder</li></ul>	<ol style="list-style-type: none"><li>1. Rape to impregnate someone</li><li>2. Attempting to harm or kill someone to prevent access to influence reproductive decisions</li></ol>	Minimum: \$9,334 Maximum: \$20,000	Minimum: \$11,668 Maximum: \$25,000
B	<ul style="list-style-type: none"><li>• Sexual assault</li><li>• Non-fatal strangulation</li><li>• Kidnapping</li><li>• Deprivation of liberty for the purpose of sexual penetration</li></ul>	<ol style="list-style-type: none"><li>1. Sexual assault tied to RCA (e.g., unwanted sexual activity without contraception).</li><li>2. Non-fatal strangulation during an argument over reproductive decisions</li><li>3. Holding someone against their will to force a pregnancy decision</li></ol>	Minimum: \$2,600 Maximum: \$6,500	Minimum: \$3,250 Maximum: \$8,125
C	<ul style="list-style-type: none"><li>• Threat of death</li><li>• Threat to commit a sexual offense</li><li>• Conduct inflicting serious injury</li></ul>	<ol style="list-style-type: none"><li>1. Threatening to kill someone if they seek an abortion</li><li>2. Threatening sexual violence to force compliance with reproductive demands</li><li>3. Physical violence (e.g., punching) causing serious injury related to reproductive decisions</li></ol>	Minimum: \$1,300 Maximum: \$2,600	Minimum: \$1,625 Maximum: \$3,250
D	<ul style="list-style-type: none"><li>• Threat of injury</li><li>• Assault against a person</li><li>• Deprivation of liberty</li><li>• Offense involving an intimate image</li></ul>	<ol style="list-style-type: none"><li>1. Threatening injury to pressure someone into continuing or terminating a pregnancy</li><li>2. Slapping, grabbing, or restraining someone during disputes about contraception.</li><li>3. Sharing intimate images to coerce reproductive choices</li></ol>	Minimum: \$650 Maximum: \$1,300	Minimum: \$812.50 Maximum: \$1,625



## Family Law

*“Often by the time you get to a parenting matter, it’s part of that client’s story, their experience of coercion and family violence ... it’s not something that can be directly addressed, for example, through the family law parenting process.” (FG 4)*

*“People who feel that now that they have a child with this person, they can never remove that person from their life ... there’s obviously family court parenting arrangements ... but even for things like if I want to get my child a passport, I have to talk to this person again ... clients have expressed that they feel that they can never escape the situation.” (FG 3)*

## Migration

*"I've got so many cases where there's been some form of abuse ... lots of forced abortions, miscarriages, abuse, and clients attribute the miscarriage to the abuse. Lots of control over whether they're going to have a baby, when they're going to have a baby." (FG 2)*



# Asking about and addressing RCA – Role of the lawyer



# Asking around it rather than about it

*“For example, we might be talking about the children and the circumstances surrounding their pregnancy, and just ask some questions that might lead them to give us some information, like, you know, how did you feel about the pregnancy?... non-verbal clues that might lead us to ask a few more questions if we think that they’re comfortable.”*

*(FG 3)*

*“I’ll say how family violence is defined - includes financial, emotional, sometime people just think it’s physical. So I’ll say actually the Family Violence Protection Act defines it like this... Can you now give me examples of what family violence looked like in your relationship? ... Because often there’s a trigger ... it’ll be like, after the birth of my child or when we migrated here, that’s when he started getting more coercive.” (FG 1)*



# Cultural expectations and normalisation of RCA

*“A lot of women might be one of four wives to their partner, or there might be cultural expectations—they need to have seven or eight kids. They’re not going to frame it in the sense that, I didn’t want seven kids, because maybe in their culture that’s the norm, that’s their expectation of the marriage.”*  
(FG 1)

*“Is that reproductive coercion or is that cultural expectations? That’s the issue in my mind, and I think it impacts the way clients share their story to lawyers as well.”* (FG 1)



# **RCA Training needs of legal practitioners**

- Education and awareness of RCA as a form of abuse
- Skills to identify RCA and approach discussions of RCA with clients
- Cultural sensitivity and awareness training/resources
- Referral support



# Systemic challenges in addressing RCA

- Inconsistent Recognition by Courts
- Bureaucratic Limitations of Government Agencies
- Police Responses
- Family Court Limitations
- Barriers for survivors on temporary visas
- Fragmented support systems
- RCA weaponised in legal disputes
- Interpreter challenges



- Explicit Recognition of RCA in legislation
- Developing Training on RCA for lawyers
  - Trauma informed approaches to asking about RCA
  - Working with interpreters and different cultural contexts
  - Framing RCA in legal submissions
  - Best Practice guides
  - Referral Pathways
- Advocacy and awareness on RCA



**Future directions**  
**Where to  
from here?**





# Q & A + Reflections

For more information

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