

# **SEXUAL ASSAULT: ISSUES FOR ABORIGINAL WOMEN**

**Carol Thomas  
Aboriginal Women's Policy Coordinator  
Office of Aboriginal Affairs  
New South Wales**

THERE ARE A NUMBER OF FACTORS THAT NEED TO BE CONSIDERED AND further explored when trying to develop appropriate strategies for agencies attempting to respond to the different needs of Aboriginal women. This paper briefly deals with some of those issues but by no means all of them.

## **An Historical Legacy of Violence**

It is important to recognise the way in which Aboriginal women were treated when white man first arrived in their country. All Aboriginal people were treated violently with no regard for individuality, culture or spirit. Before white man's arrival, all Aboriginal people were treated equally; they had different roles but all had equal importance and all contributed in significant ways to day to day needs and the development of society. The following quotes from *Racist Violence: Report of National Inquiry into Racist Violence in Australia* give a brief indication of the violence used against Aboriginal people.

The process of colonisation was characterised by small scale but systematic physical violence as a 'bloody frontier' was moved across Australia' for more than 160 years. It is estimated that during that time approximately 20,000 Aborigines and 2,000 Europeans and their allies were killed in frontier conflict (Australia. National Inquiry into Racist Violence in Australia 1991, p. 38).

According to Aboriginal oral history, those who caused trouble or questioned the authority of Europeans could expect little protection from the law or law enforcers (Australia. National Inquiry into Racist Violence in Australia 1991, p. 42).

Whilst all Aboriginal people experienced extremely high levels of physical and spiritual violence by the new non-Aboriginal population, Aboriginal women also experienced high levels of sexual abuse by this new population.

On many stations there was no attempt to hide the extent of sexual relations between white station workers and black women. A pastoralist from the edge of the Nullabor Plains told a South Australia Royal Commission in 1899 that he had known stations 'where every hand on the place had a gin, even down to boys of 15 years of age'. Similar comments were made to a Western Australian Royal Commission six years later. On Vitriol River stations, a witness observed that on many stations 'there are no white women at all. On these the Aboriginal women are usually at the mercy of anybody, from the proprietor or Manager, to the stockmen, cook, rouseabout and jacked (Reynolds 1990, p. 207).

On pastoral stations Aboriginal women were preyed on by any and every white man whose whim it was to have a piece of 'black velvet' wherever and whenever they pleased (Reynolds 1990, p. 75).

Judy Atkinson writes in her strategy paper on Aboriginal and Torres Strait Islander women and violence:

White males abused such cultural practices and at the frontier, pastoralists and the facilitators of frontier expansion, mounted police, justifies their behaviour by such writing as: 'ideas of existence of chastity among their women is preposterous . . . no less preposterous is the idea of black women being outraged' (Northern Territory Pastoralist Alfred Giles). His close friend Mounted Constable William Willshire believed that God meant Aboriginal women to be used by white men, 'as He had placed them wherever the pioneers go' (Willshire 1896, p. 8). Willshire boasted often in his writing of his 'gin busts' which he appeared to see as part of his line of duty . . . He argued for the use of Aboriginal women by white bushmen but loathed the resulting offspring of these unions.

The above quotes give a very quick outline of the violence which was used against Aboriginal people. The issue of violence against Aboriginal women, particularly sexual assault during this time, is one which needs much greater research and cannot be fully described in this paper.

### **Issues of Concern**

Sexual assault is a problem in most communities: black and white. Whilst all women experience many of the same problems in reporting and accessing services, Aboriginal women have identified a large number of issues and barriers which specifically relate to them in the area of sexual assault.

The following points and quotes were made by a number of Aboriginal women regarding sexual assault and their own issues of concern. The remarks do not apply to every town and community but have been identified by individual people as problems in their area. Generally, Aboriginal women are not reporting sexual assaults, and a number of factors were seen to contribute to this including:

*Police*

- The police are slow to respond to calls of sexual assault;
- police officers' own attitudes determine how quickly they come out and how much importance they place on calls;
- police stations may not be open when needed; and
- most of the police in country towns are male—Aboriginal women need to be able to talk to female police officers.

On many occasions, Aboriginal women have accused the police of sexual assaults. For instance, in the late-1980s an Aboriginal woman accused a number of off-duty police officers of raping her in a police cell. The case was eventually thrown out of court because of 'lack of evidence'. The people who were present were unwilling to give evidence against the police. This incident has stopped other Aboriginal women and men in the community from using the police.

Only recently, Aboriginal women in another town with a high Aboriginal and police population, have complained about sexual assault and threatened sexual assault by the police in the police cells. Comments from Aboriginal women in this town include:

- police do not have a good perception of Aboriginal women;
- police often have their own sexist and racist views which affect the way they react to Aboriginal women;
- the police do not put much effort into investigating rapes of Aboriginal women. They spend more time digging up old warrants; and
- the police need to make themselves more accessible.

The women spoken to made the following comments:

The police would rather dig up old warrants instead of investigating rapes. These are the brothers of the girls who are being raped. Their experience of a cop is just that [being raped]. Historically, police were raping young girls in the back of paddy wagons. So we are talking about mothers of the girls who are now being raped. What sort of advice does a mother give her daughter when she knows herself or sisters or cousins were raped by police? What chance do you have against the police?

Why would you go to them [the police] for help? . . . they are part of the problem.

### *Courts*

- Historically, the courts have been used against Aboriginal people;
- a large number of Aboriginal people have had experience with the courts as defendants, if not themselves, then a member of their family;
- there is little support in the court system for Aboriginal women;
- the court has no compassion—it does not take human issues into consideration.
- the courts have a low opinion of Aboriginal women and see them as fine defaulters, nuisances, as women who report assaults and then do not follow through and, therefore, waste the court's time.
- the court system is foreign:

It is foreign to non-Aboriginal people so it is another planet to Aboriginal women.  
The court is not a place where Aboriginal people get justice.

- rape is often mistakenly considered to be part of Aboriginal culture and this is not the case. When talking about this, one Aboriginal woman said:

It is like saying that only one part of the Aboriginal community is important—the men. They [the court] just minimise everything that a woman is involved with—even the injuries she sustained.

- it is important that there is a woman who Aboriginal women can report to and, if they decide to go to court, that there are women who can support them throughout;
- the women have a lack of confidence in police and courts to provide protection or respond appropriately.

### *Counselling/Services*

- Every woman needs good counselling.
- I hate to think of the number of Aboriginal women who have not said anything because they know of someone else in the community who did say something about what happened to them and nothing was done.
- If there is a bad experience with the hospital (with an individual or with the hospital's attitude towards Aboriginal people) and the sexual assault service is attached to the hospital, women will not wish to use it.
- If women only feel comfortable talking to another Aboriginal woman, then they should have access to one. There are questions that need to be asked the right way, and there are Aboriginal women with life skills who can be given on the job training. We cannot

wait for people to come out of University in three or four years time to provide a counselling service.

- A lot of counsellors and services do not know anything about Aboriginal people. Counsellors need to be culturally aware and sexual assault services need to employ Aboriginal counsellors. Further, the doctors doing the forensic examinations are mostly male and are non-Aboriginal—especially in a small country town.

White organisations and white people know there is a problem but they will not do anything because they see it as a black problem or they do not want to step on Aboriginal toes.

In many towns there is a lack of local and accessible services able to provide support, information, counselling, and education. There is often a failure by many visiting services to adequately meet the needs of the Aboriginal community. For instance, they may not hold their services in locations at which Aboriginal women feel comfortable. There is a lack of resources and people (especially from visiting services) which the community feel that they can trust and who will visit the community on a continuing basis.

### **Community Response**

Aboriginal women and men in New South Wales are developing their own strategies in response to sexual assault. Few receive government funding. The Department of Health has allocated money under the National Women's Health Program to conduct statewide consultations and to run a number of pilot programs. A small number of sexual assault workers and educators are being employed through community organisations; for example, one Aboriginal organisation has received Commonwealth funding to employ a sexual assault worker.

#### *New South Wales Aboriginal Women's Conference, Dubbo 1990*

In 1990, New South Wales had its first Aboriginal women's conference, organised by the New South Wales Women's Aboriginal Corporation. Over 300 Aboriginal women from across the state attended the conference and many issues were discussed—including sexual assault. The following recommendations were made by the women at the Conference:

That the Attorney General establish a working party to review the effectiveness of the Children's Court and the effectiveness of the criminal law system in relation to the needs of Aboriginal women and children who are victims of sexual assault. Aboriginal women have stated their feelings of alienation with the legal system. This system must be examined to determine how best it can include the needs of Aboriginal women and children. The terms of reference for the working party should include:

- the number of cases of sexual assault involving Aboriginal women and children which are reported;
- the reasons why such a low number of adult and child sexual assault cases are being reported;
- how court rules and procedures affect Aboriginal women and children as witnesses;
- an examination of the adequacy of Section 409(b) of the *Crimes Act* in relation to Aboriginal women;
- the development of strategies which would make the Children's Court and the criminal law system more relevant to and effective for Aboriginal women and children;
- consideration of support systems for Aboriginal child sexual assault cases (Recommendation 6.1);
- available and accessible information from the Department of Health on the dangers and issues of adult and child sexual assault to Aboriginal women in all communities (Recommendation 6.3) (New South Wales Women's Coordination Unit 1991).

Since the conference, the NSW Attorney-General has agreed to address Recommendation 6.1. A working party is to be established which will examine the issues for Aboriginal women reporting sexual assault and develop appropriate and effective strategies.

#### *Women Out West*

The Women Out West (WOW) project has also been working in the area of sexual assault. WOW involves the western part of New South Wales and has occurred over the last four years.

The project works on the assumption that there are parts of the state which will never be properly resourced and areas where lack of appropriate information inhibits women's ability to make informed decisions about their lives. WOW began after a request was made by Aboriginal women at Wilcannia who felt that, given enough information and knowledge, they would be able to act as resource people for the rest of their community.

WOW has participation from Aboriginal and non-Aboriginal agencies who visit towns to talk with and train Aboriginal women in areas which the women feel are important. The aims of WOW are:

- to create awareness in the Aboriginal women's community of support services in areas of women's health, domestic violence, sexual assault, child sexual assault and other issues of violence against women;
- to increase Aboriginal women's awareness of their legal rights in relation to physical and sexual violence; and

- to increase Aboriginal women's access to support services in the areas of women's health, domestic violence, sexual assault and other issues of violence against women.

The WOW project had a number of objectives relating to sexual assault which included:

- creating awareness of issues of violence against Aboriginal women;
- creating a supportive environment for women to discuss issues of violence;
- providing information in relation to sexual assault;
- increasing police awareness of their role to protect Aboriginal women;
- informing Aboriginal community members of the police role in issues of sexual assault;
- identifying resource and support community members who will provide information and assistance to Aboriginal women on issues of sexual assault;
- facilitating the development of strategies with community members to address violence against women; and
- increasing Aboriginal women's access to services and resources in issues of violence.

These objectives have been met in a number of ways:

- formal and informal discussion relating to issues of sexual assault;
- holding workshops and discussions in environments where women felt comfortable;
- providing resources and support networks;
- direct provision of advice and counselling to Aboriginal women;
- providing a supportive and confidential environment;
- providing continual contact after the project and advice where requested; and
- visiting the community a number of times to provide some form of continuity and subsequently develop trust with the community women.

The Aboriginal women have made a number of their own initiatives to deal with the issue of violence against women. They have started Nunga Nights where the women can come together in a social environment and discuss issues of concern to them and how to deal with these issues. The women have also had meetings with the local police about sexual assault and domestic violence. They organise workshops for the community and give support and encouragement wherever needed.

*Mudgin-Gal Aboriginal Corporation*

Mudgin-Gal is an organisation which is addressing issues of concern to Aboriginal women. It is situated in Redfern and offers an accessible service to all Aboriginal women in the Redfern and inner-metropolitan areas.

Mudgin-Gal has only been in operation for a few months but already has a large number of people using its services. It offers court support and information for women facing domestic violence; crisis counselling and support; workshops and classes on issues important to women, as well as offering a support network. The service offers information and referral on a number of areas such as domestic violence, family conflict, housing, emergency accommodation, health, sexuality, legal rights, drug and alcohol awareness, social security and sexual assault.

Mudgin-Gal are currently running a Girls Group. The Girls Group is a weekly two-hour group for young offenders who have been victims of sexual assault. The aim of the Girls Group is to get Aboriginal girls talking about what has happened to them and to talk about the way they feel. This takes place in an environment which is non-threatening and allows the girls to talk with other Aboriginal women.

*Willa-Goonji: Aboriginal Corporation Women's Crisis Centre (proposed service)*

Cheryl Blair, an Aboriginal woman active in sexual assault education and counselling, is currently working with a number of Aboriginal women on obtaining funding for Willa-Goonji. If funded, Willa-Goonji will be a 24-hour crisis centre which will cater to the needs of Aboriginal women and children who are victims of sexual assault, domestic violence, child abuse and incest. The service will be provided by Aboriginal women. Willa-Goonji aims to:

- provide culturally appropriate and accessible counselling;
- train Aboriginal women in isolated, rural and urban areas to enable them to cater for their own communities; and
- counsel male victims by offering telephone counselling.

Like Mudgin-Gal, Willa-Goonji will provide a service by Aboriginal women to Aboriginal women. It will provide a place where women are welcomed and are not pre-judged. Willa-Goonji has proposed a number of strategies, including providing:

- a 24-hour crisis centre with direct access to Aboriginal counsellors;
- a telephone counselling service for urban, rural and isolated Aboriginal women and men;
- information and counselling on child sexual assault;
- counselling and support for relatives and friends;
- referral information;
- education and workshops to communities and agencies; and
- help, information and support.

The above examples do not adequately address all that is happening in New South Wales. There are a number of Aboriginal people, especially Aboriginal women, who are active in the area of sexual assault in education, training, policy development and in trying to make services and information more accessible and effective.

## References

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