CHILD SEXUAL ABUSE IN INDIGENOUS COMMUNITIES

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Introduction

I first want to start with an apology. You only have me presenting this paper - a white person talking about Indigenous issues. Although white Australians often claim to know and represent Indigenous Australians, they have often failed to understand the Indigenous position. Although this has usually, although not always, been with good intentions, it has often caused much trauma and distress - much still unresolved and still being created today.

This said, this paper is based on discussions with Muriel Cadd and Julian Pocock from the Secretariat of National Aboriginal and Islander Child Care. The content is also drawn from work I have undertaken with an Indigenous researcher, as well as from the voices of Indigenous people through the recently published major reports on issues around family violence in Indigenous communities.

This paper will talk about the following issues:

- The extent of child sexual abuse in Indigenous communities;

- The complications around understanding the problem - why it is even more difficult to understand child sexual abuse in Indigenous communities than in the non-Indigenous population;

- The contribution of past and present trauma experienced by Indigenous people to the present problem of child sexual abuse;

- Cultural clashes in the child protection system - how one cultural model of operating is imposing on another cultural model of operating; and,

- The way forward, moving beyond consultation to negotiation.

The Extent and Type of Child Abuse and Neglect in Indigenous Communities

Based on child abuse and neglect which was notified (or reported) to child protection departments around Australia in 2001-02, 3,254 Indigenous children under 16 years had some form of abuse substantiated (ie. the statutory protection authority believed that physical abuse, psychological abuse, sexual abuse and/or neglect, had occurred). This rate of substantiation was disproportionately higher (4.3 times higher on average) in the Indigenous population, than in the non-Indigenous population. Substantiation varied across states, from two Indigenous children to in Tasmania to a rate of nearly eight times higher for Indigenous children in Victoria and Western Australia.

In 2001-02, there were proportionally less substantiations of sexual assault of Indigenous children by child protection departments, than for non-Indigenous children. Nine percent of the substantiations for Indigenous children were for child sexual assault (CSA) while approximately 17% of substantiations for non-Indigenous children were for CSA. However, substantiations for psychological abuse and neglect were disproportionately higher for Indigenous children.

Child protection authority statistics are an underestimate of the actual levels of CSA in Australia and it would seem that they are particularly so for Indigenous children, as other sources tell a very different story. For example, the Gordon Report (Gordon, Hallahan & Henry 2002) says that the rate of child sexual abuse of Aboriginal children is significantly greater than non-Aboriginal children.

The Robertson Report (1999, internet edition) says that:

> *Violence is now overt; murders, bashings and rapes, including sexual violence against children, have reached epidemic proportions with both Indigenous and non-Indigenous people being perpetrators.*

Police reports in WA say that, in 2000, the rate of reports to police of sexual assault of Indigenous girls was approximately double that of non-Indigenous girls (Gordon, Hallahan & Henry 2002). However, only 10% to 15% of sexual assaults are reported to police and this reporting rate is lower in Indigenous communities (Gordon, Hallahan & Henry 2002). The Robertson Report (1999) says that 88% of rapes in Indigenous communities go unreported. So, although there are proportionately more reported sexual assaults of Indigenous girls than non-Indigenous girls, a lower proportion is reported.

Why Child Sexual Assault is Hidden

The extent of CSA in Indigenous communities is not recognised as it should be, partly because of a failure to report, and a failure to respond, to many assaults. There is a failure to report for many reasons, including:

- a fear of racism and due to reasons of shame;

- a fear of reprisal from the perpetrator in small, closed communities, or pay-back from relatives;

- a perceived need to protect the perpetrator due to reasons such as the high number of Indigenous deaths in custody. Fitzgerald (2001) writes that this is a realistic fear, particularly in Cape York communities where a death in custody would be seen as the women's (victim's) fault;

- a fear of the police response;

- difficulties in communicating with legal staff. It is difficult for some Indigenous people to translate their experience into terminology required for legal processes;

- the absence of someone to report to in remote communities. There may be no means of reporting in remote communities where poverty, isolation and the relatively small size of the community means there is no public transport and no private vehicles to provide access to support and secure shelter; and,

- a lack of trust of the 'white' system.

There is a failure to respond due to:

- racism associated with a normalisation of disturbed behaviour. For example, violence is viewed as being so common in some Indigenous communities that it is not treated seriously. Another example is where adolescent pregnancies are viewed as evidence of promiscuity, when in fact the pregnancies may be the result of sexual assault;

- past inaction associated with reports. This inaction doesn't lead to confidence that there is any point in reporting. The Robertson Report (1999, p.100) records an Indigenous woman saying that "it is no use reporting because they don't believe you anyway";

- authorities there to respond may be fearful for their own safety because of the high general levels of violence in the community and/or a fear of retaliation for action they may take;

- Indigenous workers may have particular problems when actions are taken against an offender. They are likely to live and work in the same community, the person may be a family member or a Community Elder; and,

- stress and burnout of professionals who have too few resources and too much work.

Once a report is made, there may be a number of reasons why the substantiation rate of sexual abuse is lower for Indigenous, than non-Indigenous children. It is possible that child protection authorities and other professions there to protect the child both fear responding and are confused about the right response, particularly in the legacy of the, 'stolen generation' and the inappropriate

practice of removing children. It is also possible that practitioners are overwhelmed by the size, complexity and number of problems associated with Indigenous communities. Problems created by a lack of resources, such as in relation to the Indigenous child placement principle[1], may create uncertainty about what is best for an Indigenous child - remaining with some level of risk, or facing the adverse impact of cultural dislocation.

Trauma and Powerlessness

Behind many of these problems, and of central importance, is the disabling impact of social disadvantage and the impact of severely disabling events which lead to an experience of trauma.

Social Disadvantage

The extent of social disadvantage of Indigenous communities and Indigenous people is very high. Examples are:

- An inadequate and poorly maintained infrastructure associated with water, sewerage, housing etc. (ABS 2001). By way of example, one third of community owned or managed permanent houses in discrete Indigenous communities (over 14,500 dwellings) need major repairs or demolition. How can you lock an offender out from a house where there may be no locks on the doors, or even no doors?;

- Poor education. One-third of Indigenous children leave school before 15 years, compared to 15% for all Australian children;

- High unemployment. The Indigenous unemployment rate is 17.6%, compared to a non-Indigenous rate of 7.3% (February 2000 statistics). Twenty-six percent of employed Indigenous people are on the 'work-for-the-dole' scheme.

- Poor physical and mental health. Indigenous people more likely to smoke, consume alcohol at hazardous levels and be obese (ABS 2001)

- Homelessness. Indigenous people are 20 times more likely to be homeless than non-Indigenous people

- Life expectancy is lower for Indigenous people, being 56 years for Indigenous males compared to 76 for non-Indigenous males and 63 years for Indigenous females compared to 82 years for non-Indigenous females.

Garbarino (1995) writes of the association between 'toxic' environments, and maladaptive coping behaviour and behavioural dysfunction. Toxic environments are characterised by: high unemployment, high crime rates, poor transport facilities, poor access to professional services. This is usually associated with geographical and social isolation. Indigenous commentator, Memmott (2001), calls this 'dysfunctional community syndrome'. The Robertson Report (1999 internet version) writes:

> *The Task Forces found convincing evidence to justify the label 'dysfunctional community syndrome' that is being applied to many Indigenous Communities. When a Community has to deal with the tragic deaths of 24 young men in one year, most of which were suicides, there can be no stronger cry for help. Indeed, it is a deafening roar that something is desperately wrong. When the same Community reports three men raping a three-year-old child, who was raped by another offender ten days later, there is a crisis of huge proportions. This same Community has a $6 million dollar tavern. The presence of the tavern ensures the continuation of devastating violence against vulnerable women and children.*

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[1] This principle, adopted by all states, says that an Indigenous child who has to be removed from home should be placed elsewhere according to the following priority: firstly with a family member, secondly with a community member, and thirdly with an Indigenous family.

It could be said that this extent of social disadvantage, in itself, becomes traumatic.

Trauma

The present impact of past unresolved traumatic events is a theme repeated by most Indigenous commentators. Atkinson, Pearson and Robertson talk of unresolved grief associated with multiple layers of trauma experienced over many generations, due to deaths and injuries, loss ('stolen generations'), dispossession and brutality. For example, the Fitzgerald Report (2001) states that there is a clear history of sexual assault of Indigenous children by white colonists, a history which can even be seen in legislation. The 1901 Amendment Act revised the law so that sexual assault of an Indigenous female 'employee' was an offence if the child was found to be pre-pubescent.

Present events which may result in a traumatic response are associated with factors such as:

- Substance abuse. Pearson (quoted in Robertson 1999: 71) says:

    Ours is one of the most dysfunctional societies on the planet today; surely the fact that the per capita consumption of alcohol in Cape York is the highest in the world says something about our dysfunction.

- Family violence. Violence to Indigenous women is 45 times higher than to non-Indigenous women. Twenty-three percent of these women need hospital treatment for their injuries compared to 6.6% of non-Indigenous violence victims. The rate of assault of women is such that about one-third of Northern Territory's Indigenous female population is assaulted each year. Weapons are reported to be used in around 50-60% of Indigenous attacks between spouses (Memmott 2001).

- A failure to understand mental health as it relates to Indigenous people resulting in an absence of documentation of mental health problems, a lack of understanding of the interface between mental illness and Indigenous culture and a lack of services for mentally ill Indigenous people which results them being diverted to the criminal justice system.

- Internet and pornography. Viewing of offensive material has been linked by Indigenous people to an increase in sexual assault (Atkinson 1990).

    Assaults on young children, infants, and animals by young males, sometimes roving in gangs, escalate after shipments of pornographic videos (Hazelhurst 1994, p.27).

    Exposure to macho behaviour and violence may be the only understanding of mainstream culture by remote, young Indigenous youth.

The Outcome of Trauma

The personal experience of feeling traumatised is an underlying barrier to change, trauma and powerlessness running hand in hand. The literature states that trauma is an event which renders a person helpless (Freud 1926). A traumatised person experiences paralysis, becomes overwhelmed, immobilised and withdrawn (Kardiner & Spiegel 1947, Krystal 1971, Horowitz).

    The whole apparatus for concerted, coordinated and purposeful activity is smashed (Kardiner & Spiegel 1947).

Those who are already disempowered or disconnected from others, and particularly those who are already troubled or have experienced multiple traumas, are most at risk when traumatised (Herman 1992). The implication for Indigenous communities is that some Indigenous women may be powerless because of what has happened to them as a child and previous (and on-going) trauma may be a barrier to change.

Understanding CSA in the Indigenous Community

How child abuse is conceptualised and defined determines what is understood and explained and how it is responded to through policy and practice (Goddard 1996). Some theory of the causation of child abuse views this in terms of multiple influencing factors.
Belsky talks of four levels of causation which relate to:

- parental history;

- the nature of the interaction between parent and child;

- interaction with the community; and,

- broader societal issues (eg. attitudes towards children).

Present (white/mainstream) response to child abuse largely ignores all causation levels except the nature of the interaction between parent and child, that is, the cause of child abuse is seen due to the dysfunction of a parent.

It would seem that this mainstream perspective, does not fit in with the reality of Indigenous child abuse, nor with the perception of many Indigenous people themselves.

CSA in Indigenous communities needs to be understood in the context of the broader setting of trauma, deprivation and racism, in which the problem of CSA is completely entwined. This approach also conceptualises the solution - an holistic approach to address issues of violence, loss of cultural identity, substance abuse and the needs of women and children. It is suggested that it is within this context that CSA needs to be understood. This paper argues that this faulty conceptualisation (ie. one of individual pathology) is a major contributor to the failure to adequately address CSA.

Examples of problems caused by use of an inappropriate causation model are:

- Structured Risk Assessment frameworks used by most child protection departments in Australia are biased against Indigenous people (Cadd, personal communication). Risk is understood in mainstream white terms, not in the context of Indigenous culture, such as sharing of child minding in the community.

- The mainstream model is that if it is necessary to remove the child, work is done with the family to enable the child to be restored to the family. In the Indigenous situation, the child is removed and returned to a dysfunctional community. To protect Indigenous children we should be thinking in terms of Community Preservation models, not Family Preservation models.

- The judicial system also works on an individual pathology model, abstracting people from their cultural and racial contexts, rather than viewing children as part of a community identity.

The Way Forward

The following are some suggestions of ways to move towards addressing some of these issues:

- The development of culturally appropriate ways of addressing CSA associated with the Indigenous community, including service models;

- Healing of trauma to prevent the flow-on effect. As the Robertson Report (1999) says, there are inadequate counselling services available in a majority of Indigenous communities;

- Addressing racism. One way is to provide the same standard of infrastructure/ resources that is provided for non-Indigenous Australians; and,

- Aiming for negotiation rather than consultation. Consultation implies that the power is on one side, whereas negotiation implies equal power.
  - The present power imbalance between the Indigenous communities and welfare bureaucracies is 'overwhelming' (Litwin),
  - Negotiation requires the willingness to give up power and to provide resources so power to be actioned upon. If this power imbalance is not addressed, 'institutionalised racism' will continue (Litwin 1997),
  - 'Indigenous Communities must be afforded the opportunity to be the architects of their own solutions' (Robertson 1999).

Some suggestions to move towards change include:

- the provision of resources to enable the change process, such as to develop culturally appropriate services, and to understand what negotiation means and enable negotiation to take place;

- The provision of allied services, such as those to address substance abuse; and,

- The need for an informed debate about the transfer of control and responsibility for child welfare to the Indigenous community. This was recommended by the Inquiry 'Bringing them Home' and is presently being undertaken in some Canadian Indigenous communities.

Conclusions

There is some evidence that change is happening. For example, there is evidence of a new flexibility, and experimentation of different approaches in the judicial system, through programs based on restorative justice, new jail designs and trials of integration between mainstream and tribal law. The Commonwealth Government is involved in new initiatives, such as the developing a partnership between Federal and WA Governments in relation to Indigenous issues and the development of new priority projects in specific Indigenous communities.

However, it can be said that:

- CSA in Indigenous communities would seem to be a larger, and more severe problem than in the non-Indigenous community;

- It would seem that the problem should be understood and addressed, not within the individual pathology model, but in the context as understood by the Indigenous community;

- It would seem that it is only when the broader issues of trauma, dispossession, racism and disadvantage are addressed, that CSA can be addressed;

- Resources are needed to understand the issues and institute change;

- Negotiation with, and empowerment of, the Indigenous community, is the only way forward; and,

- There is not yet a formula for implementation of solutions in practice. eg. What does negotiation mean in practice? How is it done? Who does it?

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