

## Adult sexual violence in Indigenous and culturally and linguistically diverse communities in Australia

Natalie Taylor and Judy Putt

*Knowledge about sexual violence against women from Indigenous and culturally and linguistically diverse backgrounds is scant. Anecdotally, levels of sexual violence are purported to be high, but national victimisation surveys may not capture, or may misrepresent, the extent of sexual violence in these communities. While many of the reasons for not reporting sexual violence to police are likely to be similar to those for mainstream women, women from diverse backgrounds can face additional cultural and related factors affecting their ability and/or willingness to report violence. This paper reports on findings from a multi-dimensional study investigating these issues. Participants indicated the need for appropriate interpreters when reporting sexual violence, a preference for female police officers to handle the case, protection of complainants, and more effective dissemination of information on how the criminal justice system processes sexual assault cases. There is a clear need to address fundamental attitudes and beliefs within particular communities about sexual violence and this will require strong community leadership and the support of local community members.*

**Toni Makkai**  
Director

The Australian Institute of Criminology (AIC) has been funded by the Office for Women (OfW) since 2002 to conduct research in the area of sexual violence directed against women as part of the Women's Safety Agenda – a broad policy initiative aimed at decreasing the occurrence and impact of domestic and sexual violence against women. In response to gaps identified by Lievore (2005), the project investigated the perceptions of women from Indigenous and culturally and linguistically diverse (CALD) backgrounds who have experienced sexual violence in Australia. It is particularly important to understand barriers to reporting sexual violence for these women, the reasons affecting their decision to report sexual violence, and ways to improve the criminal justice response to these reports so that victims/survivors of sexual violence from diverse communities may be encouraged to engage with the criminal justice system (CJS).

This paper summarises the key findings from the research, which was conducted in five phases:

- a review of the literature on sexual violence in diverse communities
- four roundtable seminars, two involving workers in the field of sexual/family violence that focused on issues relating to sexual violence for women in Indigenous and CALD communities, the other two involving those who work in the CJS focusing on responses to victims/survivors
- surveys of key representatives of police services and Offices of the Directors of Public Prosecutions (ODPP) regarding the services provided to Indigenous and CALD victims/survivors of sexual violence
- an online survey of support workers' views of their clients' experiences of the police and CJS response to sexual violence

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GPO Box 2944  
Canberra ACT 2601  
Australia  
Tel: 02 6260 9272  
Fax: 02 6260 9293

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- interviews and focus group discussions, conducted by key service providers in urban and regional areas in four states, with victims/survivors and community members on their personal experiences of the police and CJS response.

The project involved collaborative, community-based research on sexual violence in Indigenous and CALD communities, conducted in partnership with criminal justice agencies, women's community support services, women's health agencies and community leaders. The research was primarily qualitative, aimed at exploring sexual violence in greater detail but in an appropriate manner. The findings summarised here relate primarily to the survey of support workers and interviews and focus groups with victims/survivors. Detailed findings from the research and a description of the research methodology can be found in Heath & McLachlan (forthcoming).

### Experiences of sexual violence

Women from CALD communities are not homogenous, but are diverse in terms of culture, religion, level of education, language(s) spoken, levels of skills or qualifications, and social or political background. Life experiences influence how CALD women respond to sexual violence, in particular, how they seek help from outside their communities and their perceptions of police and the CJS in Australia. Some recent arrivals to Australia come from countries where civil war and conflict exist. Offshore resettlement visa grants were offered to 12,758 people under Australia's humanitarian program in 2005–06 (DIAC 2007). The top 10 countries of origin included Sudan, Iraq, Afghanistan, Burma, Liberia, Burundi, Sierra Leone, Congo and Eritrea. Sexual violence has been identified by UNIFEM, the UN Development Fund for Women, as a weapon of war in a number of origin countries, suggesting that many refugee women arriving in Australia from war-torn

countries may have experienced sexual violence in their homeland. A recent World Health Organization report (WHO 2005) on violence against women provides potential baseline information on the extent to which many CALD women in Australia might have experienced sexual violence in their former homelands. More than 24,000 women from 10 countries were interviewed, and it was found that lifetime prevalence of sexual abuse (being forced to have sexual intercourse or engage in degrading or humiliating sexual behaviour) by a partner ranged from six percent in Japan and Serbia and Montenegro to 59 percent in Ethiopia.

Indigenous Australians have their own distinctive histories, with the experience of colonisation affecting traditional ways of living in varying ways, depending on location. Discriminatory legislation had been repealed across Australia by the end of the 1960s, but remains part of the living memories of many older Indigenous Australians. In some parts of Australia, in the far north coastal regions and in central Australia, English is often the second language used by Indigenous Australians. Indigenous identity may include belonging to a specific language group with links to specific places and land areas, a network of kin, and/or a more broadly based affiliation to regional collectivities such as Kooris, Murris, Ngoonyars, Wongis and others. Sexual violence is thought to be prevalent at epidemic levels in some Indigenous communities (Memmott et al. 2001). A study of 50 Aboriginal female prison inmates in NSW found that over three quarters were victims of child sexual abuse, just under half had been sexually assaulted as adults, and almost four in five were victims of family violence (Lawrie 2003). Rates of sexual assault victimisation recorded by police during 2005–06 show that Indigenous women were 3.7 times more likely to report being sexually assaulted in Queensland, twice as likely to report being sexually assaulted in the Northern Territory and

2.5 times more likely to report sexual assault in Victoria than non-Indigenous women (SCRGSP 2007). Indigenous women were 3.4 times more likely to report being sexually assaulted in New South Wales during 2005.

There are limited empirical data on the prevalence of sexual violence against Indigenous and CALD women in Australia. Prevalence is generally established through random surveys (as opposed to the numbers reported to police). A national survey on violence against women suggested that sexual violence over the previous 12 months against Indigenous women was three times more common than against non-Indigenous women, and that CALD women were as likely to be at risk as non-CALD women (Mouzos & Makkai 2004). A methodological issue inherent in victimisation surveys is that they often employ telephone interviews that exclude women who do not speak English, have no telephone, or are transient (Lievore 2003). There may also be personal, cultural, religious, or institutional factors that affect the willingness or ability of women from diverse backgrounds to disclose sexual violence in a survey.

In the focus groups and interviews conducted as part of the current research, 50 Indigenous and 268 CALD participants considered sexual violence in the context of issues such as health, settlement, family wellbeing and intergenerational conflict. CALD participants represented 46 countries of origin (67% were from African countries, 16% from Europe and six percent each from the Middle East and Asia). Where possible and/or requested, interviews and focus group discussions were conducted in the participant's native language or through an interpreter. Some discussions were conducted in English only.

Many CALD women stated that rape could not occur within marriage since the marriage contract implied consent for sexual intercourse for the duration

of the relationship. Several participants indicated that there is no phrase for 'rape in marriage' in their languages. Indeed, in some languages the word for marriage literally means having sex. Generally, sexual violence is not discussed among members of such communities especially when it occurs within a marriage. CALD women who had lived in Australia most of their lives knew that sexual violence is a crime in Australia. Some women also knew that sexual violence in a relationship is a crime. Other CALD women did not know that sexual violence is a crime in Australia, particularly when it occurs in an intimate relationship. Some only became aware when they heard about it in the media. Other women learned for the first time the criminal nature of sexual assault when they applied to come to Australia, or when they attended orientation sessions soon after they arrived.

Indigenous participants stressed that sexual violence is endemic in many Indigenous communities. Some women also saw sexual violence as inextricably linked to domestic violence, and drug and alcohol misuse. A group of older Indigenous women said 'we all know about [sexual violence] and it's not something new within our group'. According to these women, sexual violence is considered normative in some Indigenous communities – in remote areas and in small country towns. These older women also said that Indigenous

young women often wonder whether the sexual violence was their own fault – that they had led the perpetrator to commit violence against them – because of their flirtatious behaviour, teasing or their jealousy. It was noted that sexual violence in some Indigenous communities is a big problem mainly because it remains hidden. Sexual violence tends not to be discussed in Indigenous communities because of the associated stigma and risk of ostracism from family and community members. A group of older women referred to 'shame' as the main reason for not wanting to talk about the experience of sexual violence.

Support workers who completed the online surveys noted a number of factors which they regarded as likely to increase the risks of sexual violence for women from culturally and linguistically diverse backgrounds. These related to lack of support networks, socioeconomic disadvantage, community pressures and lack of knowledge about rights for victims (see Box 1).

Based on the findings from this study, it is apparent that sexual violence against women is commonly perceived as endemic in some Indigenous communities and is frequently perpetrated by partners and family members. It was also evident that women from non-English speaking backgrounds who are recent immigrants or refugees and whose cultural

background places great emphasis on the dominant role of a husband in a marriage, were viewed as particularly vulnerable to sexual exploitation and violence.

## Reporting sexual violence

It is estimated that between 10 and 30 percent of all sexual violence incidents across Australia are brought to the attention of the police (ABS 2006; Borzycki 2007; Mouzos & Makkai 2004). The reasons for not reporting sexual violence are varied and have been well documented (Lievore 2005). It is unclear though how, and to what degree, reporting of sexual violence differs for Indigenous and CALD women. Major impediments can include the anticipated adverse response of the community to the report of sexual violence, uncertainty about whether sexual violence in marriage is a 'real crime', and an expected negative CJS response. Victims/survivors can also be reluctant to be responsible for incarcerating an Indigenous offender when the overall incarceration rate is so high in Indigenous communities (Lievore 2003). Shame and family attitudes are further disincentives for reporting sexual violence to the police.

Support workers who completed the online survey estimated that about 10 percent of victims/survivors of sexual violence from Indigenous and CALD communities are likely to report the incident to the police, at the lower end of the reporting range for Australian women generally. According to the support workers, victims/survivors are more likely to report the incident to a trusted friend, if they feel comfortable about reporting at all. For all communities, the most difficult situation arises when the perpetrator of the sexual violence is known to the victim, especially if it is her partner. Some Indigenous women believe that it is almost impossible for Indigenous victims of sexual violence perpetrated by family members to report the violence to the police. Even when community members feel that they should help a victim, they

### Box 1: Factors perceived by support workers to increase the risks of sexual violence towards women from culturally diverse backgrounds

- Lack of family ties in Australia, pregnancy and social isolation
- Lack of permanent residency and fear of deportation if she does not cooperate with her partner
- Poor police and legal responses to requests for assistance
- Lack of awareness of rights, sense of obligation to stay in an abusive relationship
- Pressure to conform to cultural traditions of male dominance
- Little community knowledge of the rights of victims/survivors of sexual violence
- Socioeconomic disadvantage due to unemployment, poverty etc.
- Cultural stereotypes that lead to some women being considered easy targets for sexual violence
- Participation in illegal or vulnerable activities such as prostitution
- Intellectual or physical disability

Source: Heath & McLachlan (forthcoming)

fear reprisal or ostracism should they become involved in someone else's private matter (Taylor & Mouzos 2006). Victims are also reluctant to report the violence to the police if they anticipate an inadequate and culturally inappropriate police response to their report.

The reasons given in the focus groups and interviews for not reporting violence were consistent with those reported by the support workers. Other reasons given by victims/survivors included English language difficulties, being afraid that they would not be understood, and the possibility of racism. Discussing personal issues with strangers and people in powerful positions was not viewed as an option for many Indigenous and CALD women. Across communities, gossip and shame were disincentives for reporting sexual violence. The perceived threat of deportation to their former homeland was a concern for some CALD victims/survivors of sexual violence, especially those with a temporary visa, who were seen as more likely to experience discrimination and isolation.

Financial and emotional dependence on others prevented many CALD women from engaging with the CJS. Family, tradition, religious teachings, and social and community pressure were the principal reasons given to explain their silence and to not report sexual violence. Indigenous victims/survivors experienced similar barriers to reporting violence relating to community and family pressures. Such pressures were exacerbated if the perpetrator was a husband, partner, or relative. Indigenous women were afraid of repercussions that might hurt them or their children and precipitate family or wider community conflict. Some Indigenous women were afraid of having their children taken away by social welfare officers if they reported the violence.

Some of the barriers to reporting violence, and ways in which reporting might be increased for CALD and Indigenous women are summarised in Boxes 2 and 3.

For sexual violence to be reported at all, a woman must define the behaviour as such and be aware that it is a crime. For example, if a woman does not regard forced sex within marriage as a crime, the issue of willingness to report is not relevant – in her mind there will be no offence to report. Community attitudes towards sexual violence will be important in this regard as they affect:

- the perpetuation of offenders committing violence
- whether victims perceive themselves as victims
- whether and how victims react to violence
- judgements of, and reactions to, victims.

In a telephone survey of community attitudes towards violence against women conducted with both a random sample of the Victorian community (N=2,000) and a selected CALD sample where respondents were born in China, Vietnam, Italy or Greece or had at least one parent who was (N=800), Taylor and Mouzos (2006) found that males in the selected CALD sample were less likely than either their female counterparts or males and females in the main sample to regard forcing one's partner to have sex to be very serious. However, females in the selected CALD sample were also less likely than females in the main sample to regard this behaviour either as very serious or as domestic violence, suggesting that attitudes towards, and definitions of, sexual violence vary with cultural and linguistic diversity. Respondents in the selected CALD sample who spoke a language other than English at home and who were relatively recent arrivals in Australia were less likely than second generation respondents to perceive forcing one's partner to have sex as very serious. These findings imply that any education or awareness campaign to increase reporting to police must also address differing beliefs and attitudes about sexual violence and sexual violence in marriage.

## Box 2: Indigenous victim/survivor views on barriers to reporting sexual violence

### Family constraints on reporting

Family denial that sexual violence exists  
Reluctance to report a partner perpetrator  
Fear of being ostracised for bringing shame upon the family

### Community constraints on reporting

Fear of retaliatory violence from the perpetrator and his supporters  
Fear of being shunned by the community  
Shame about wanting to report the violence because of the community's silence on the matter

### CJS constraints on reporting

Fear of social welfare officers removing their children  
Fear of not being believed by the police  
Uncertainty about how the police and CJS will respond to the report  
Fear of the police when already traumatised by the sexual violence  
Excessive time taken to convict a guilty perpetrator of the sexual violence  
Belief that punishment for the perpetrator will be inadequate

### Possible ways to encourage reporting

Education programs on reporting sexual violence and the consequences of reporting the violence to the police  
Better support from community women  
Ensuring that the police consider reports of sexual violence seriously  
Setting up a safe house for victims/survivors as well as private communication facilities

Source: Heath & McLachlan (forthcoming)

## Needs of victims/survivors

According to the support workers in the online survey, Indigenous and CALD victims/survivors of sexual violence require information on:

- counselling
- medical assistance
- reporting sexual violence
- how court procedures work
- managing the impact of sexual violence and minimising subsequent violence



**Box 3: CALD victim/survivor views on barriers to reporting sexual violence**

**Family constraints on reporting**

- Not wanting to shame and embarrass the family
- Fear of losing a relationship if the perpetrator is the victim's/survivor's husband
- Not considering sexual violence committed by a husband to be a crime
- Keeping the family intact and protecting the children's welfare
- Fear that such violence is indicative of a failed marriage and might be considered the victim/survivor's fault
- Possible loss of family support
- Feeling obliged to be faithful to a husband and submit to his sexual needs

**Community constraints on reporting**

- Community dealing with both the victim/survivor and perpetrator if they are from the same community
- Pressure to avoid shaming and embarrassing the whole community
- Little support offered by the community to the victim/survivor

**CJS constraints on reporting sexual violence**

- Fear of humiliation by the police and the CJS
- Fears resulting from adverse police experiences in the victim's/survivor's former homeland
- Fear of deportation following revelation of the offence to the authorities
- Distrust of the police
- Perception of police discrimination
- Fear that the perpetrator might be released from jail too soon
- Unwillingness to endure a long and traumatic court experience
- Worry about whether there is sufficient evidence to obtain a conviction
- Fear of loss of confidentiality and privacy

**Possible ways to encourage reporting**

- Development of greater trust and cooperation between the community and the police
- Provision of information to women about women's rights and how they should report sexual violence to the police
- Improvements in community support to the victim/survivor
- Establishment of community women's groups to discuss issues of sexual violence

Source: Heath & McLachlan (forthcoming)

- addressing family and community concerns.

In general, it seemed that Indigenous and CALD women would prefer to be helped by people with their own cultural background although closely-knit communities sometimes seek outside help to maintain confidentiality. Culturally sensitive and bilingual support is preferred, with many CALD victims/survivors requesting interpreters. They emphasised the need to develop a skilled and professional workforce that practiced within a culturally sensitive and confidential framework.

Based on the interviews and focus group discussions, it appears that many Indigenous and CALD women fear contact with the police and have either directly experienced or heard of less than satisfactory responses from police. CALD victims/survivors are sometimes influenced by their adverse police experiences in their former homeland and anticipate similarly poor responses from the Australian police. Those interviewed in the Indigenous community expressed distrust towards police while responses from the CALD communities were more variable.

Although participants provided many examples of poor police responses, such as not taking a complaint seriously or not responding immediately to a report of sexual violence, there were other examples of good police responses that demonstrated caring and professional attitudes. Indeed, some CALD women experienced better responses from the police than they had anticipated. Many women emphasised the need for female police officers to be involved in both the interview and the subsequent investigation of such a personal matter as sexual violence.

For many Indigenous and CALD victims/survivors, a lack of knowledge about how police will respond to a complaint can be a major deterrent to reporting sexual violence, and not having an appropriate interpreter can cause considerable

difficulties and exacerbate misconceptions should an incident be reported.

**Policy implications and further research**

Many of the issues identified above are common to all communities and to all victims/survivors of sexual violence. However, there are additional family and community pressures that exist in some Indigenous and CALD communities that are compounded by:

- sexual violence not being openly discussed
- isolation through lack of social networks, language barriers and unfamiliarity with laws and rights in Australia
- distrust of police or other authority figures
- lack of understanding of, and/or confidence in, the CJS.

Such barriers need to be tackled at strategic and local levels, if greater reporting is to be encouraged. This will involve a wide range of communication activities with, and for, communities that can occur through schools, the media, and at critical times – such as at the point of first settlement in Australia, initial contact with police or health professionals. Social and health services to key disadvantaged communities, such as recent refugee groups and remote Indigenous communities, need to include the dissemination of information, in different languages and formats, about sexual violence against women, what it is and practical advice about what can be done to prevent and report it.

Models of integrated and outreach service delivery and support networks that tap into community resources need to be developed. This will require building linkages at a local level to foster community support and understanding of the need to have an effective criminal justice response.

Many of the problems experienced by victims/survivors of sexual violence from

Indigenous and CALD communities relate to the relative inaccessibility of, and unfamiliarity with, the police and the CJS, particularly when their own communities deal with sexual violence differently from the way imposed by Australian law. Recommendations for policy change require a major reconsideration of how society should respond to sexual violence, especially when the victims/survivors are vulnerable and less likely to access services because of their cultural and linguistic backgrounds. Further, if reporting of sexual violence is to be encouraged then clear benefits from reporting need to be demonstrated. Such benefits would include a sensitive and culturally appropriate response to victims, access to female service providers and female police, access to appropriate interpreters, being clearly advised of the procedures involved in reporting and pursuing the case through court, being regularly updated on progress by police and prosecution staff, and having some confidence of an outcome consistent with expectations. Victim safety is also paramount and would need to be assured.

More research on community oriented solutions – such as the involvement of community leaders and elders in matters involving minor sex offences, prevention intervention with men, and rehabilitative initiatives with offenders – would assist in informing further innovations in the future.

Pursuing these priorities could be facilitated by:

- a series of community-based workshops across Australia, involving representatives of Indigenous and CALD communities, and the CJS, to design some trial approaches to be tested in their communities
- a national commitment among key policy makers through various ministerial and senior officer groups to support widespread communication activity in CALD and Indigenous communities about sexual violence against women, the availability of support services and about the CJS in Australia.

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All URLs were correct in August 2007.

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**Note:** The term **victim/survivor** refers to individuals who have suffered sexual violence. In certain legal contexts, the term victim may be appropriate and/or required to conform to relevant laws when seeking legal redress. Referring to them as survivors recognises their strength and resilience.