

**Understanding The Term 'Victim' and The
Concept of 'Justice' from an Indigenous Perspective**

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The focus of my presentation is to share with you some tools for engaging with remote community people and offer some practical applications and considerations of existing protocols for working within those contexts. It is hoped that these tools will enable the field worker to move outside of their comfort zone and take on another worldview, perceive and understand an environment quite different to the norm and be more able to work effectively in another cultural context. By considering and applying some of these protocols, as well as being prepared to work in the spirit of community development, these concepts can enable more meaningful and purposeful relationships to be built, develop better working relationships work with the community towards achieving greater levels of social justice and support grassroots remote community people to become 'empowered' and to 'see through their eyes', to assist in the realisation of their aspirations for social justice.

The Attorney General's Department, Canberra provided funding to develop a sexual assault research project and to work in conjunction with Community Development (CD) Practitioner's and Community Legal Workers who are employed by the Aboriginal Women's Outreach Unit, now the Northern Australian Aboriginal Family Violence Legal Service, Darwin. In my capacity as the researcher, the project had really been developed and implemented as much more than a 'research project. In reality it was designed as a 'community action process' to provide Aboriginal women with the opportunity of empowerment and addressing sexual violence and sexual abuse within their community.

The social action research itself was the easy part of the project. The real focus of the community development process was to recognise the energy, motivation and aspirations that participants generate towards action, and addressing their range of needs. This challenge is even more vital to those that offer service and resource support, to provide services that work effectively with the community based on the needs identified by the community.

Sexual violence and sexual assault, in itself is an extremely difficult issue to explore and discuss in any context. National and international statistics indicate the astounding

number of individuals affected in urban areas. Although this evidence provides an insight into the existing problems in mainstream culture, there is limited knowledge regarding sexual violence, sexual abuse and the impact of sexual violence on Aboriginal people in remote areas. For the issue of sexual violence and sexual abuse to be more effectively addressed and to move forward in remote Aboriginal contexts, opportunities need to be provided and extended to encourage safe and open discussion. Secondly, I am suggesting, research methods need to be adapted and based on 'Aboriginal Terms of Reference' and 'Aboriginal Ways of Working' and working within the framework of the mechanisms existing at the grassroots level.

The realities for many victims of sexual assault in remote contexts, leaves them with limited professional support, limited access to specialised services and limits ways for dealing with sexual assault. How can we better understand 'victims', 'justice' for victims and their needs? Perhaps, we need to widen our understanding of what is meant when we use the terms 'victims' and 'justice'.

On a more personal note, I can see, there is general concern about issues relating to victims and justice in Aboriginal contexts. Whether the mistakes were created, whether they are not part of our doing, or whether we have contributed to the feeding: today is the day for new light to come through, to be encouraged and ensure positive steps forward as long as we are willing to work with one another and work together. That is the key for positive ongoing change. If new ways of working together and with one another are to become a reality, some of the old methods for engaging Aboriginal people needs to stop.

Lets look at '*victims*' in an Aboriginal context. What constitutes a victim in an Aboriginal context? Are we the victims or are they? Have we robbed or are we being robbed? CD Practitioners may need to examine and explore objectively, what constitutes a *victim* and what constitutes *justice*? These two terms are inextricably linked. Without one, you cannot have the other. Please consider, if there were no victims how would justice prevail or exist in an ideal community context?

Definition of victim:

- *Somebody who is hurt or killed by somebody or something*
 - *Somebody or something harmed by an act or circumstance*
 - *Somebody who is tricked or taken advantage of*
 - *A living creature used as a sacrifice or in a religious rite*
 - *Somebody who experiences misfortune and feels helpless to do anything about it*
- (Encarta Concise English Dictionary, 2001)*

Definition of justice:

- *Justice or reasonableness, especially in the way people are treated or decisions are made*
 - *The legal system or the act of applying or upholding the law*
 - *Sound or good reason*
 - *A Judge, especially of a higher court*
- (Encarta Concise English Dictionary, 2001)*

The use and manipulation of words have a profound impact upon people because of the way in which we understand these terms from our viewpoint, our worldview. Therefore, we really do need to look at definitions of victims and justice issues in an Aboriginal context and understand their realities and how they came to be the way they are today. Although the terms, victim and justice are inextricably linked, why are they so far apart? We need to ask ourselves, are 'victims' needs being met, do victims gain 'legal justice' or have the opportunity to acquire any real level of 'social justice'? The research I have been involved with indicates needs are not being met and the justice system does not protect Aboriginal people in remote localities. The only real link between the two, is that individuals who are experiencing and who have become overwhelmed by socio-economic difficulties are often over represented in the criminal justice system and are continually being incarcerated, who are the victims?

The sexual assault social action research was not conducted in an urban Aboriginal context or a rural Aboriginal context, but a remote locality. One would think that there would be too many cultural barriers: well, there are! One would think there are too many protocols: well, there are! One might even think that it may be advantageous to consider the worldview of the community and perceive issues from their perspective: well, you have to! It can be very important to also consider the pace that the community works at. You may also want to gauge how the community deals with issues and the time it takes them to deal with identified problems. Visitors travelling abroad must follow protocols to gain access to people and information within any culture, we have to follow the protocols, exercise caution and respect when engaging in any situation outside of our 'normal' environment. Visitors to other countries and regions, usually acknowledge, respect and appreciate the unique attributes of other cultures. Why are the First Nation people of this country not also seen in such a positive light by their own countrymen (broader Australia)?

When engaging Aboriginal people in remote localities, we need to be mindful of our attitudes, beliefs and behaviours and ensure they are appropriate. It is a matter of trusting the environment that we work in and respecting the values and cultural beliefs of the individuals we are engaging with. The key is, that it is not too late to pay attention to our individual behaviours, that can influence successful outcomes when working with Aboriginal people, families and communities in their specific context.

If the right attitudes are in place, working with Traditional Aboriginal women is an honour and provides extended learning opportunities that are rare and valuable. Too often, people going into a community, to undertake community development activities, undervalue the expertise, the knowledge and the abilities of the Aboriginal people they are working with.

Like any problems that exist within an Aboriginal context; the real people with the real solutions are the people living in those contexts. The people living in those communities are well aware of the gaps in service delivery, know what will work and what won't

work. They are aware of the uncoordinated efforts in the past, at present (and probably the future). A greater emphasis should be placed on the community's knowledge, expertise and just how purposeful and meaningful the input can be from their perspective.

Furthermore, whenever great opportunities unfold, we can be drawn along and be drawn upon in a community development capacity-building process and experience the unfolding of the exercising of human rights. Together we can be involved in the development of community resolution processes and experience decision-making processes in the particular cultural context. This empowers communities, empowers individuals and ultimately empowers the families.

In my opinion, there seems to be a perception that if you pump money into social issues and social problems, the problem will fix itself. That is incorrect and untrue. The amount of funds utilized for social problems need to be refocused toward 'real' action based solutions. Funding and financial support seldom reaches the people and communities at grassroots level, it is chewed up within bureaucracies and is utilized in administering the funds. Is there any value in that process? We need real people who are willing to work with real people. In some areas of government, we hear of funding cuts to programs that are working. You ask me, does that sound real to you?

Existing formal protocols are a vital and integral component of community engagement processes. The external formal protocol for gaining access to remote Aboriginal communities is to apply for a permit from the appropriate Land Council in the region. Once the permit had been granted, internal protocols were followed and during the discourse I communicated the scope and purpose of the research to the CEO, the President of the Community Government Council, and spoke with Female representatives of the Community Government Council. This was also followed by correspondence and information regarding the scope, purpose and a suggested target group for the research.

Prior to these events taking place, I had the opportunity to meet with and discuss the scope of the project with a CD Practitioner who had established long term relationships

with particular women on the community and Community Legal Workers (CLW) who resided on the particular community. This communication lead the CLW'S to articulate the scope and purpose of the research to the broader community, in particular women. From those discussions it was advised that the project be a woman's 'specific' project. This was determined by Senior Aboriginal women agreeing amongst themselves and informing the President of the activities that would be taking place. The President then agreed to the research being conducted on the community and supported the process, engaged with the research process, supported and encouraged the women from beginning to end.

Toward the end of the research a draft document of the report was sent to the Community Government Council for their approval. The male council members agreed to the Senior women providing the final approval for the report. The report was approved, minus the creation story. This was due to the death of the elder who held the knowledge for the story. A section of particular incidents also had to be excluded for fear of backlash.

Communication was a vital ongoing component of the research, and although there were a number of protocols to follow, we ensured regular contact with stakeholders. Every time we visited the community, we went to the Council Office, advised the CEO, the President, the female representatives of the Community Government Council and other Senior women and members of the community that we were engaging with the community once again. We also advised them of the length of time we would be spending on the community. This ensured, a clear understanding of what we were doing on the community, who we would be engaging, when and how long were going to be there.

This process also broadened our understanding of protocols at the community level. We always ensured a representative from the community be with us at all times, when asked to complete a task for the women, ensure completion of the task to their satisfaction, if you can't, refer them or support and guide them in the direction to attain a positive outcome. Being mindful that vehicles must give way to all pedestrians and animals on

the community, otherwise this could develop into a sticking situation (with you being asked to leave the community or even worse). Advising and being advised will ensure your time is meaningful and purposeful, not only for individual agenda's but also ensure that the right people are informed and kept in the 'loop'. It was also an opportunity for the whole community to 'see' you whenever you were discussing the issue (under a tree, out in the open). I believe this practice, allowed the community to perceive community development activities as not trying to discuss issues in private and out of view. This also provided an opportunity for family members to come and go, listen to what was being said and to be introduced in a less formal way.

Basically, the women's group participants were extremely keen for service providers to work with them at their level and pace. They were very interested to work with service providers and work together with them in their context. They were willing to share information and develop positive solutions for their community. The issue of sexual violence and sexual abuse needed to be dealt with according to each and every incident and based on the needs of the victim. With regards to child sexual abuse, they were interested in maintaining their own resolution processes prior to encouraging support from service providers and specialists. Although the women's group participants were positive and are interested in dealing with the issue of child sexual abuse, they believed the key to attitude change is community education and gaining a greater understanding of the court process, their legal rights and the criminal justice system. The women wanted to develop educational resources so they could start educating the primary school children, the youth petrol sniffers and substance abuse victims, young mothers, young boys and older men and women on the community. The women were quite strong in the belief that this practice did not exist in their culture, however, from the 1920's onward, there were outside influences that impacted upon the community in the most negative ways ever imagined.

In conclusion, realizing or coming to the realization that when undertaking community development activities, the methods for engaging may be considerably different from a particular cultural context to another, if not alien. Through looking, listening and learning

and adjusting worldview and communication methods, there is a real opportunity for remote communities to have a voice and take control of their lives once again. The willingness to work with one another and together is the key to change at the grassroots level. CD activities can be extremely rewarding when attitudes shift, communication methods are adjusted, particular ways of working are employed and the process that leads to action, drives people to become empowered and self-determined in their particular context. 'Real' justice ensures victim's realities are realised, their aspirations and individuals choices lead to positive change and that 'real' individual's choices are supported and encouraged for the betterment of a particular cultural context.

I hope that you find some of the concepts and the ideas helpful for future engaging and community development activities in the field. These are some of the practical applications that can be applied and some of the working protocols CD practitioners may want to engage with and equip themselves with when working with Aboriginal people. Good Luck.