

Family Violence IS Everyone's Business - Frontline Service Delivery to Indigenous Victims of Family Violence in Central Australia

*Presenters: Phynea Clarke, Coordinator, and, Vanessa Lethlean, Senior Solicitor, Central
Australian Aboriginal Family Legal Unit (CAAFLU)*

What services does CAAFLU provide?

The Central Australian Aboriginal Family Legal Unit is a justice, advisory and referral centre for Indigenous victims of family violence. We are a holistic and multidisciplinary Indigenous family violence victim service provider. Located in Alice Springs, we are a family violence legal prevention unit funded by the Commonwealth Attorney General's Department.

Our primary focus is to provide Indigenous victims of family violence, including sexual abuse, with legal advice and casework assistance, and, related services including initial counselling, support, and referral.

We provide services in Alice Springs, Ntaria, Papunya, Yuendumu and Tennant Creek to residents of those communities, in accordance with our casework guidelines.

Our priority areas of law are family violence restraining orders, sexual assault, child protection, criminal compensation, and, family law where the legal matter relates to family violence.

What are our client's realities?

1. At first contact almost all of our clients lack information regarding Australian family violence legal protections and related legal matters, for example, family law and crimes victims assistance.
2. Almost all of our client's are in receipt of social security benefits and are unable to afford fee for service legal providers.
3. Many of our clients reside in remote communities where distance and lack of transport prevents physical access to external mainstream services.
4. Most of our clients speak English as a second, third, or fourth language and are unable to effectively communicate by telephone with external mainstream service providers, for example, Centrelink.

5. Almost all of our clients can not read or write English sufficiently to understand or respond to letters from mainstream service providers regarding legal matters affecting them.
6. Most of our clients require an interpreter and or a cultural broker to participate fully and confidently in legal matters that affect them.
7. Almost all of our clients have mental injuries as a consequence of having been subject to family violence. The mental injuries last for years and often include post traumatic stress disorder and or depression. They can impact negatively upon a potential applicant's capacity to pursue legal rights.

What stories do our client's tell?

'Jasmine' was married Aboriginal way at age 20 and has 3 adult children. Jasmine's husband assaulted her throughout the marriage causing a broken jaw, arm, leg and ribs, multiple lacerations, scars, a ruptured spleen and the death of an in-utero baby. After 25 years of abuse, Jasmine has obtained a Restraining Order.

'Brigette' is the mother of a 4 year old boy, recently separated from her Aboriginal way husband as a consequence of his violence towards her and her son. The husbands' family have threatened to assault Brigette if she does not return to her husband. The paternal grandmother has taken her child from her. Brigette has obtained a Recovery Order.

'Mary' is 17. She has been in a promised marriage with an older man for some years. Mary did not consent to the marriage and does not consent to sexual relations with her husband who also physically assaults her. Mary's family are unable to intervene to help her. Mary has not reported the physical or sexual assaults to police, and has been unable to separate from her promised husband or obtain a Restraining Order.

'Maureen' is a child who was repeatedly sexually assaulted by a male relative for 8 years. Maureen was exiled from her community when the sexual abuse became public. She was unable to complete her schooling or access cross culturally appropriate counseling, and is at risk of substance abuse. Mary received assistance under the Crimes (Victims Assistance) Act.

What do our client's stories tell us?

As a consequence of our work in Alice Springs, Ntaria, Papunya, Yuendumu and Tennant Creek our staff hear and respond to stories of extreme and repeated family violence. As a consequence of this work there are a number of features of family violence staff have observed:

1. Indigenous women are more likely to experience violence than non-Indigenous women, and the physical injuries sustained are more severe.

2. Few physical assaults and very few sexual assaults are reported to police. Children often witness the assaults.
3. Most physical assault victims and all sexual assault victims have mental injuries as a consequence of the assault.
4. The mental injuries last for years and often include post traumatic stress disorder and or depression.
5. The impact of family violence affects the immediate and extended family, and the broader community.
6. A number of factors prevent victims from engaging effectively with Australian family violence legal protections. This compounds the rate of offences and the injuries sustained.

What factors prevent victims from engaging effectively with Australian family violence legal protections.

In our experience the factors include:

1. Lack of information regarding Australian family violence legal protections;
2. Lack of community support for reporting;
3. Lack of community intervention in abusive situations;
4. Inappropriate police service and response;
5. Cultural pressures against discussion of family violence, and in particular sexual violence;
6. Fear of and actual recrimination from offenders and /or extended family members; and
7. Lack of culturally appropriate and accessible services to reduce psychological injuries incurred.

Our client's stories reflect and encapsulate recent research findings that outline some of the reasons why Indigenous (and non-Indigenous) women continue not to report family violence. They include intimidation by authority figures; intimidation at attending a police station; treatment by police when reporting family violence; fear of reprisals or shame; and unfamiliarity with the legal process.

What do we do to respond effectively to our clients' realities?

We:

1. Provide holistic, multidisciplinary, and cross culturally appropriate legal and related services;
2. Use Aboriginal and Australian law to address Indigenous family violence;
3. Visit target remote communities;
4. Engage interpreters or cultural brokers to ensure our clients can participate in their legal matters in a fully informed way;
5. Provide services in culturally appropriate spaces;
6. Employ Indigenous and other appropriate staff; and
7. Participate in community education and law reform.

What are some recent initiatives to address family violence?

1. *Interactive Domestic Violence Gammon (Mock) Court.*

A recent collaborative initiative of our service is the Interactive Domestic Violence Gammon (Mock) Court. The concept originated in response to anxiety expressed by victims about attending court to obtain a restraining order. It is a community awareness initiative to assist victims to attend court and to provide information about family violence legal protections.

The gammon court shows and explains what conduct constitutes domestic violence, the process of applying for a restraining order, and the roles and functions of the various people in court. As an interactive forum of about 2 hours duration with role plays the issues discussed move with the priorities of the attendees.

Outcomes include understanding potential referral points, service providers more effectively assisting their clients with family violence, and an better understanding of legal and court processes.

2. *Advocating for the immediate establishment of a holistic multidisciplinary stand alone sexual assault service in Alice Springs –*

Our service, together with the Central Australian Family Violence and Sexual Assault Network, has called for the immediate establishment of this 'one stop shop' as a practical and positive response to the current intense media focus on family violence in Central Australia.

Similar services exist in Darwin and other Australian jurisdictions. The immediate benefits to victims of sexual assault should include not being required to attend at the Alice Springs police station to report a sexual assault, and, being able to receive medical treatment, counselling, and legal assistance at one location as required, preferably residential.

Other benefits should include:

1. Increased understanding of the impacts of sexual assault, increased capacity to respond appropriately to the needs of a complainant, and, increased understanding of the legal process and the impact of the legal process upon complainants.
2. Access to a private and comfortable interview room for all complainants.
3. Increased awareness by associated professionals providing on call or on site services of the mental injuries caused by sexual assault, for example memory block, flashbacks or mental hallucinations, and their impact, together with an increased capacities to work effectively with complainants experiencing such trauma.
4. A right for complainants' to have a support person present and with requests appropriately facilitated. This would assist all complainants, and in particular, complainant's otherwise unable to proceed with a complaint.
5. Professional and proper explanation of the legal process, with supported referrals to an appropriate legal service provider for related legal matters.
6. Policies and procedures that appropriately respond to a complainant's needs, including, refreshment breaks at appropriate times.
7. Enhancement of trust of police and a capacity to identify improvements and or changes required to training programs and procedural policies.
8. With the consent of the victim, this service could impact positively upon the low rates of reporting, proceedings and convictions in sexual assault matters.

3. *Community Courts*¹

The Community Court is the Magistrates Court of the Northern Territory when it sits with community members participating in the sentencing process. It is intended to recognise that in some cases community, cultural or other factors play a significant role in reaching a sentencing outcome which is more beneficial to the community.²

¹ H.B Bradley Chief Magistrate, Community Court Darwin, 27 May 2005.

² Ibid Page 1, Point 2.

The aim of the Community Court is to provide a more effective, meaningful and culturally relevant sentencing option, whilst increasing community safety, decreasing rates of offending, reducing repeat offending, and reducing breach of court orders.³

Benefits of the Community Court should include increased community participation and knowledge of Australian law, accountability of the community, families, and offenders, provision of support to victims whilst enhancing their rights and place in the sentencing process, and enhancing the offender's prospects of rehabilitation.⁴

In late 2005 our service assisted a female victim of family violence in the first pilot Community Court in Tennant Creek. We are committed to Community Court processes and are available to assist victims who wish support, assistance or advocacy within the Community Court process in Tennant Creek during Tennant Creek Court Circuit.

4. *Perpetrators Programs*

We strongly support and advocate for the establishment of cross culturally appropriate and effective Indigenous perpetrator programs. In our view these programs are an essential adjunct to breaking the cycle of violence and effecting real and ongoing behavioural change.

We welcome the recent expansion of the Indigenous Family Violence Offender Program into further Central Australian communities and acknowledge that the program delivers culturally appropriate modules, support to Indigenous survivors and support to Indigenous child witnesses.

The content of the program includes defining Aboriginal family violence, family fighting cycle of violence, conflict resolution and power and control, tracking violence across the centuries, traditional law, the impacts and effects of substance misuse and abuse, the impact of abusive behaviours, the impact of family violence on children, gains and losses of abuse, life without violence, and family harmony.

We hope the increased delivery of this program will create positive change, and we look forward to a time when program attendance is considered by Courts when determining an Application for a Restraining Order, or a conviction of assault upon a family member.

Conclusion

On 15 May 2006 Dr Rogers spoke out about the current reality of Indigenous family violence in Central Australia. We endorse and share Dr Rogers concerns, which follow longstanding Indigenous calls for recognition, action and prevention of family violence. We call upon decision makers to respond effectively and appropriately to these voices and to provide ongoing support to initiatives to address the realities of family violence, and funding to reduce further family violence.

³ Ibid Page 2, Point 11.

⁴ Ibid Page 2, Point 12.