

Trends & issues

in crime and criminal justice

No. 405 January 2011



Australian Government
Australian Institute of Criminology

Foreword | *Violent crime statistics drawn from police data do not show the large amount of violent crime and victimisation that is never disclosed to police. Within this 'dark figure of crime' are human experiences that can leave victims without help and support, perpetrators not coming to justice and cycles of violence continuing unbroken. This paper explores some of the reasons for the high rates of non-disclosure of violence in Indigenous communities. It begins by examining reasons for non-disclosure in the broader Australian community before discussing how factors specific to Indigenous Australians influence individual decisions to disclose violence. As well as using Australian and international literature to build an understanding of why people choose not to disclose, the paper uses scenarios developed by the Australian Crime Commission from their work with Indigenous communities to illustrate the circumstances in which these choices are made. The paper concludes by considering ways of encouraging disclosure through services, training and education and community responses. It emphasises the need to locate these within broader efforts to address the cycles of intergenerational violence that can so heavily impact the lives of Indigenous Australians.*

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Non-disclosure of violence in Australian Indigenous communities

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The problem of violence and child abuse in Australian Indigenous communities has been well-documented (eg Aboriginal Child Sexual Assault Taskforce 2006; Gordon, Hallahan & Henry 2002; Memmott et al. 2001; Robertson 2000; Victorian Indigenous Family Violence Task Force 2003; Wild & Anderson 2007).

The extent to which Indigenous Australians suffer violent victimisation has been widely reported elsewhere and will not be examined in detail here. For the purposes of this paper, it is sufficient to note that overall, Indigenous people experience violence (as offenders and victims) at rates that are typically two to five times those experienced by non-Indigenous people and this can be much higher in some remote communities (Bryant & Willis 2008; Memmott et al. 2001; Wundersitz 2010). Indigenous women in particular are far more likely to experience violent victimisation, and suffer more serious violence, than non-Indigenous women (Bryant & Willis 2008; Gordon, Hallahan & Henry 2002; Memmott et al. 2001; Mouzos 2001; Wundersitz 2010).

Information from surveys and inquiries suggests a high proportion of violent victimisation is not disclosed to police (eg ABS 2005, 2002, 1998, 1996; Lievore 2003; Mullighan 2008; ABS NSCU 2005; Wild & Anderson 2007). Rates of non-disclosure are higher in Indigenous than non-Indigenous communities, with studies indicating that around 90 percent of violence against Indigenous women is not disclosed (Robertson 2000; Taylor & Putt 2007), nor most cases of sexual abuse of Indigenous children (Aboriginal Child Sexual Assault Taskforce 2006; Gordon, Hallahan & Henry 2002; Wild & Anderson 2007).

This paper will draw on the published literature, complemented by case studies developed by the Australian Crime Commission's National Indigenous Intelligence Task Force, to examine reasons why violent crime is not disclosed by Indigenous victims and how greater rates of disclosure can be encouraged.

The disclosure by victims or witnesses discussed here is distinct from the separate, but related, issue of mandatory reporting undertaken by health, child protection and other service providers.



Reasons for under-reporting in the general community

Before considering the particular factors that influence reporting of violence in Indigenous communities, it is important to consider the broader literature on under-reporting. Indigenous victims may choose not to report for any or all of the reasons the broader Australian community does not report and this section is therefore relevant to Indigenous as well as non-Indigenous victims. However, Indigenous victims experience a range of other barriers to reporting and may also experience the barriers relevant to the broader Australian community in distinctive ways. The additional and distinctive barriers that arise for Indigenous victims are discussed in a separate section below.

The literature on reasons for under-reporting violence has typically concentrated on sexual assault victimisation in the broader Australian community and most of the reasons for under-reporting presented here are in that context. It is difficult in many cases to easily separate sexual violence from other forms of violence (such as family violence) and victims may experience different kinds of violence. For the most part, the literature indicates that reasons for not reporting non-sexual violence are, in many cases, the same as those for not reporting sexual violence (eg FVPLS Victoria 2010a, 2010b; Johnson 2005; Taylor & Mouzos 2006).

An extensive review of the international literature on non-reporting and hidden recording of sexual assault showed that reasons for not reporting fall into two basic categories—personal barriers to reporting and barriers related to the criminal justice system (Lievore 2003). The barriers to reporting most frequently cited in national and international surveys are shown in Table

1. An examination of the research literature on the experiences and attitudes of victims/survivors of physical and sexual assault then explores these barriers in more detail.

Seriousness of the offence

The 2005 *Crime and Safety Survey*, covering a sample of urban and rural households across Australia, found the most common reason for not reporting physical assault to police was that the matter was too trivial or unimportant (21%; ABS 2005). The next most common response was that it was a personal matter or that the victim would take care of it themselves (16%). In a previous iteration of the survey, 57 percent of assault victims did not consider that the incident they experienced was a crime (ABS 2002). Neither iteration published reasons why female sexual assault victims did not report to police. However, other surveys and studies have found that women who do not report sexual assault typically consider it something they have to deal with themselves or that it is not serious enough to report (ABS 1996; Fisher et al. 2003; Johnson 2005).

The extent of physical or psychological harm experienced through the assault is an important factor in the decision to report. The *Crime and Safety Survey* found that only one-quarter (25%) of respondents who reported being a victim of assault had been physically injured in the incident, while three-quarters (75%) reported they had not been injured (ABS 2005). Victims who did not suffer a physical injury would be relatively unlikely to report the incident. The Australian component of the International Crime Victims Survey (ICVS), which included a random national sample and a booster migrant sample, showed that 54 percent of injured victims reported to police, compared with 33 percent of uninjured victims (Johnson 2005). The nature of the assault is important

too, with 48 percent of people who had been physically attacked reporting to police, compared with 30 percent of people who had only been threatened (Johnson 2005).

Elements of an assault, other than actual or threatened physical harm, can also influence a victim's perception of whether a matter is serious, such as:

- whether the perpetrator had a weapon;
- whether there was deprivation of liberty;
- the extent of psychological harm (such as whether the victim was terrorised over an extended period);
- whether multiple assailants and premeditation were involved; and
- in the case of sexual assault, whether there was penetration (Lievore 2003; Tanton & Jones 2003).

Assault victims responding to the ICVS were more likely to report the incident if the perpetrator had a weapon (61%) than they were if the perpetrator did not have a weapon (30%; Johnson 2005). Nearly half (48%) of assaults involving three or more offenders were reported to police, compared with one-third involving one or two offenders (Johnson 2005).

Perceptions of justice system response

There is an extent to which the decision to report an offence depends on the victim's belief that reporting will achieve a desired outcome and that prosecution will be effective. Levels of reported crime may at least partly reflect the community's confidence in the justice system and the willingness and ability of the system, particularly police, to respond effectively (Carcach 1997). Sexual assault victims are less likely to report to police when they do not expect their action will result in the perpetrator being punished (Jewkes & Abrahams 2002) or when they have a lack of trust in the criminal justice system (Mossman et al. 2009). Victims who are not reasonably confident that the system will deliver the kind of justice outcomes they seek may elect not to face the additional trauma, effort and risk that may come from reporting. This may be a rational decision, given the relatively few sexual assault cases that result in conviction. For instance, a study of sexual assault cases in the ACT found that cases that proceeded to prosecution resulted in the conviction of around one-

Table 1 Barriers to reporting sexual assault	
Personal barriers	Justice system-related barriers
Too trivial or inappropriate to report to police	Police would not or could not do anything
Not a 'real' crime	Police would not think it was serious enough, or would not want to be bothered with the incident
Not clear that harm was intended	Fear of not being believed by police
Dealt with it themselves	Fear of hostile treatment by police or other parts of justice system
Regard it as a private matter	Fear/dislike of police or the legal process
Shame, embarrassment	Lack of proof that the incident happened
Did not want family or others to know	Did not know how to report
Fear of reprisal by assailant	
Self-blame or blamed by others for the attack	
Desire to protect offender, relationship, or children	

Source: Lievore (2003)

third and the acquittal of around one in 10 apprehended offenders (Borzycki 2007).

Beliefs and myths

Attitudes and beliefs about rape and domestic violence, passed to victims through cultural influences including the media and community knowledge, can play a role in decisions about reporting assaults. A survey of community attitudes, among the general adult population as well as specific culturally and linguistically diverse (CALD) groups and Indigenous residents in Victoria, found much variation in whether particular behaviours committed against women are considered violent, and these attitudes differed between cultural groups (Taylor & Mouzos 2006). Respondents from CALD groups were less likely than those in the main group to regard violence against women as serious and to regard a range of behaviours as constituting physical or sexual violence. The survey also found many negative beliefs and stereotypes about physical and sexual violence persist in the community, with a large proportion of male and female respondents believing that:

- domestic violence can be excused if resulting from temporary anger or there is genuine regret;
- women often make up claims of domestic violence during custody disputes; and
- men commit rape because they cannot control their need for sex and are therefore not responsible for their actions (Taylor & Mouzos 2006).

Other misperceptions about rape can include the idea that victims may have brought the attack on themselves, that rape cannot exist inside marriage and that rapes are only committed by 'evil' strangers (Lievore 2003). Victims may fear being labelled or stigmatised, particularly in some strongly male-dominated cultures.

Many victims of sexual assault may not understand legal or moral issues about consent and this may influence whether they view their own victimisation as an offence. Some victims may not know that they have a right to refuse sex within marriage and that forced sex within the marriage is a crime. Some women believe they must always submit to their husband's sexual advances (Lievore 2003). Victims may see family violence or sexual assault within a relationship as something they simply have to put up with.

Not being believed

For many victims, particularly of sexual assault, the fear they will not be believed is a major barrier to reporting (Kingi & Jordan 2009; Mossman et al. 2009). Women are more likely to report an incident of sexual assault if it falls within popular or socially acceptable notions of what constitutes 'rape', as they feel they are more likely to be believed and that the police will act on the matter (Jewkes & Abrahams 2002). Victims of childhood sexual abuse have cited a fear of not being believed as one of the major reasons for not reporting (Neame & Heenan cited in AIFS 2005). Male victims of sexual abuse may be particularly reluctant to report out of fear they will be labelled as future perpetrators, as homosexual, outcasts or emotionally weak (AIFS 2005).

Fear or distrust of police and the justice system

Coupled with a lack of confidence in the ability of the justice system to deliver positive results, victims may be fearful of the justice system generally or police in particular. This is especially likely to be true for those from communities that have had negative experiences with police or authority figures, such as immigrant Australians who came from countries with oppressive regimes or Indigenous Australian communities who have experienced racism, past ill-treatment by police or others in positions of power and the effects of government decisions such as the forced removal of children. This is supported by research from Canada and New Zealand and anecdotal evidence from counselling services in Australia (Dylan, Regehr & Alaggia 2008; Hattam 2000; Lievore 2003; Mossman et al. 2009). Fears of not being believed or taken seriously and inappropriate responses by police have also been found among marginalised or vulnerable groups experiencing sexual victimisation, such as homeless women or women with disabilities (Goodfellow & Camilleri 2003; NSW Violence Against Women Specialist Unit 2005).

One aspect of mistrust and fear stems from the 'secondary victimisation' that rape victims may experience through the legal process (Jordan 2001). Victims may experience trauma through many aspects of the legal process, including having to revisit details of the assault when providing a statement to police, undergoing medical examination or

giving evidence in court (Lievore 2003). This can be compounded through a lack of properly trained and sensitive police officers available to work with victims and also through the tactics of defence counsel who may cross-examine victims with invasive questions regarding past sexual behaviour or who attempt to make the incident appear to be the victim's fault. While changes to evidentiary laws may have reduced the ability of defence counsel to 'attack' the victim, the legal process can still remain a confronting, invasive and traumatic experience. Research has shown that women are aware of the possibility of experiencing re-victimisation through the legal process and that it does play a part in decisions to report sexual assault (OSW 1995; see Lievore 2003).

Relationship to offender

Relationship to the offender is a strong determinant of an assault victim's decision to report the incident to police. The *Women's Safety Australia* survey found that women were most likely to report violent victimisation if the perpetrator was a stranger (35% of physical assault victims and 25% of sexual assault victims). Rates of reporting were lower if the perpetrator was someone known to the victim. Assaults were more likely to be reported if the perpetrator was a previous partner (24% for physical assault, 17% for sexual assault) and lower if the perpetrator was another known man (22% for physical assault, 7% for sexual assault), boyfriend or date (10% for physical assault, 4% for sexual assault) or a current partner (5% for physical assault, less than 1% for sexual assault). A Canadian study also showed that women were more likely to report victimisation by strangers than a spouse, after the study controlled for the increased likelihood that spousal victimisation was a physical assault, rather than behaviours such as threats (Gartner & Macmillan 1995). The ICVS found that partner assaults were more likely than those perpetrated by strangers or others to be considered serious enough to report. Nineteen percent of partner assaults were considered 'not serious' compared with 45 percent of those committed by strangers or others (Johnson 2005).

There are a number of reasons why relationship to the offender is so important to the decision to report. One consideration for

victims is the consequences of reporting the assault. Victims may fear retaliation from the perpetrator, friends or family. This may be particularly so if the victim feels that reporting the incident may lead to police intervention but not prosecution, such as where the police treat family violence or spousal sexual assault as a 'private matter' and deal with it through conciliation or mediation rather than charging. The victim's decisions, particularly those of female victims in family violence situations, may also be heavily influenced by power, control and manipulation on the part of the offender. The offender may leave the victim severely disempowered, fearful of violence against herself or her children and without financial options for removing herself from the situation. Women assaulted by a spouse or partner may be financially or emotionally dependent on the offender (Mossman et al. 2009). They may love the perpetrator despite the assaults, not want to lose positive aspects of their relationship or may accept the perpetrator's apologies or excuses. Victims may not want to disrupt the perpetrator's relationship with children, or affect relationships with other family members or friends. Anxiety about the effects on family was found to be the second most common reason for not reporting, after not being believed, in a New Zealand sample of sexual assault survivors/victims (Kingi & Jordan 2009). Whether the perpetrator is known to the victim or not, the victim may weigh up the impacts on the perpetrator of being charged with an offence, such as loss of employment, reputation or possible imprisonment.

In child sexual abuse cases, there is evidence to show that relationship to the offender is also important as a barrier to reporting, with the likelihood of reporting being a function of the closeness of the relationship between offender and victim. A study of attitudes to child sexual abuse in the general community of Victoria found that reporting is less likely the closer the relationship of the offender to the family (Wallis 1992). While 47 percent of respondents indicated they would report abuse of their own child by their husband, the likelihood of reporting decreased further once the prospect of reporting was considered more fully and abuse of a neighbour's child by its parents was much more likely (70% of respondents) to be reported. Respondents indicated they would be more likely to try to deal with the situation privately (30%) and 10 percent believed a

mother learning of the abuse of her child by her husband would be likely to ignore it (Wallis 1992).

Childhood sexual assault victims often identify a fear that reporting victimisation, particularly when perpetrated by a close family member, will result in a family breakdown for which they may be considered responsible (AIFS 2005).

Reasons for non-disclosure in Indigenous communities

The main reasons for non-disclosure in Australian Indigenous communities may be similar to those in the broader community, but influenced by other historical, social, cultural and pragmatic factors. The available literature on non-disclosure among Indigenous Australians has tended to focus on those in remote communities. Those in remote communities, in particular, face barriers to disclosing over and above those encountered by victims in the broader community.

The discussion in this section is complemented by case studies developed by the National Indigenous Intelligence Task Force (NIITF), derived from its work building evidence about issues related to violence and child abuse in Indigenous communities across Australia. Each case study reflects the consolidation of many different situations the NIITF has found through its work. They show how a victim/survivor can experience the interaction of multiple barriers to disclosure.

Repercussions and consequences

Women are so fearful of the consequences of reporting an assault, have no alternative accommodation or must stay to protect their children, that choice is simply not an issue (submission to Robertson 2000: Appendix 39).

The likelihood of negative repercussions is a major barrier to disclosure for Indigenous victims and survivors, particularly in small, interconnected and isolated communities where anonymity cannot be maintained. A study found that 75 percent of Indigenous female sexual assault victims did not report the offence because of fear, either of repercussions or police attitudes (Robertson 2000). A survey of perceptions of Indigenous community safety found fear of further

violence and 'payback', or culturally related violent retribution, were the most commonly cited reasons for women not reporting violent victimisation (Willis 2010). Indigenous victims/survivors of sexual assault have also said that concerns about whether reporting will lead to an escalation of violence, as well as lack of confidentiality in a small community, are barriers to reporting (FVPLS Victoria 2010b).

Consistent with findings from the general population, victimisation of Indigenous Australians is least likely to be disclosed where the perpetrator is a spouse, partner or family member, with victims/survivors expressing fear of reprisals against themselves or their children (Taylor & Putt 2007). For Indigenous people, this barrier to disclosure takes on particular connotations. The Inquiry into the sexual abuse of children on the APY Lands found that 'women were placed under pressure in a variety of ways not to talk to the Inquiry' and there were 'clear signs of fear and concern by women who had given some information' (Mullighan 2008: 22). The Inquiry heard of threats of violence against women and family members to stop them talking and found evidence of men threatening health workers if they made reports of suspected child sexual abuse (which they were mandated to do). Women injured through violence may be reluctant to seek medical assistance for fear their community would believe they were reporting the incident (Robertson 2000).

Indigenous victims fear stigmatisation and being ostracised from family and community members; shame is often given as a major reason for not talking about experiences of victimisation (FVPLS Victoria 2010b; Taylor & Putt 2007; Willis 2010). Shame, together with self-blame, is also a major barrier to reporting sexual assault among Māori women in New Zealand (Mossman et al. 2009).

The possibility of disclosures leading to violence between families or in the wider community has been cited as a barrier to disclosure Indigenous Australians (Mullighan 2008; Taylor & Putt 2007). The APY Lands Inquiry found evidence of multiple assaults, including a mass brawl, resulting from child abuse and sexual assault allegations (Mullighan 2008).

In a large national survey of attitudes to child abuse and neglect, Indigenous respondents

were more likely (57%) than non-Indigenous respondents (44%) to say that being worried about what might happen to them would definitely stop the respondents from reporting suspected child abuse or neglect (Donovan et al. 2010). In the same survey, 39 percent of Indigenous respondents, compared with 30 percent of non-Indigenous respondents, said that not wanting to upset the parents would definitely stop them reporting (Donovan et al. 2010).

Alleged poor governance and corruption can lead to those in positions of power or influence directly or indirectly inhibiting disclosure (Mullighan 2008). In a small community, those in positions of cultural and political authority can exert a great deal of control over individuals within the community and there may be few, if any, checks on the way they use their power. The APY Lands Inquiry heard from a witness, speaking about the unwillingness of a family to identify the man responsible for the pregnancy of a teenage girl, who said:

It's to do with people in positions of power and judging by the closing of ranks and no-one being prepared to talk. A whole family can find themselves without food, house access etc because they are blocked by those in power and everyone keeps quiet (Mullighan 2008: 110).

Fear and distrust of justice system and other government agencies

A majority of service providers in health, sexual assault, victim support and other roles in Indigenous communities across four Australian jurisdictions felt it unlikely or very unlikely that female sexual assault victims (68% of 159 respondents) or family violence victims (60% of respondents) would disclose to police (Willis 2010). Respondents thought both female and male victims of violence would be more likely to turn to health services, elders or family and kin for help before police (Willis 2010). This is not dissimilar to the actions of victims in the general community, who are much more likely to talk with friends or family than report to police (ABS 1996).

Many Indigenous women fear contact with police based on unsatisfactory responses they have experienced or heard about, exacerbated by a general distrust of police felt in many Indigenous communities and the culturally and sexually insensitive ways

police may respond to Indigenous victims (Blagg 2002; FVPLS Victoria 2010b; Robertson 2000; Taylor & Putt 2007). Gender relationships, exacerbated by cultural issues, can also impact on disclosure, where female victims feel uncomfortable or unable to disclose sexual or other victimisation to male police, particularly when the women have experienced insensitivity from these male officers (FVPLS Victoria 2010a). Focus group research with Indigenous victims/survivors of family violence and sexual assault has shown that women who have had a positive experience when reporting sexual assault are likely to report again in future (FVPLS Victoria 2010b). In contrast, those who experienced negative police responses, such as failure to act on breach reports, slow responses, disrespect, cultural insensitivity or laying blame on the victim, were less likely to make another report (FVPLS Victoria 2010b).

Police have also reported they have problems with language and interpreters and do not understand Indigenous culture and relationships (Mullighan 2008). Sexual assault victims/survivors have expressed

unwillingness to disclose to police if they anticipate an inadequate or culturally inappropriate response (Robertson 2000; Wild & Anderson 2007).

Violence between Indigenous people, including family violence, often takes place in public domains and can involve a number of people (see Memmott et al. 2001). In these circumstances, those who are assaulted may not always fit stereotyped images of victims as passive and helpless, particularly given that Indigenous women may be more likely to fight back when confronted with violence than non-Indigenous women (Blagg 2002) given the extent of violence within some communities. Indigenous women are many times more likely to be charged with a violent offence than non-Indigenous women (Wundersitz 2010). Female victims may either not be believed or may themselves face criminal charges for public order and violence-related offences (Blagg 2002; Robertson 2000).

Sexual assault victims may fear the re-victimisation that can occur through contact with the criminal justice system, particularly for Indigenous sexual assault victims

Case study 1

Selina* is 19 years old and is a victim of domestic violence by her 24 year old boyfriend, Taylor, who has an outstanding warrant for violence against a previous partner. They live in his family's home in a remote community with eight other people. There is no telephone in the house and the public phone is broken. As Taylor's father is the community council Chairperson, Selina feels Taylor's father would stop her if she tried to use the phone at the community council to seek help.

Selina has no family or social support in the community. Selina's mother was murdered by her father when she was three years old. She had no formal care and no primary attachment to an adult following her mother's death. She regularly travelled between communities, crossing jurisdictions. Taylor's parents are also often absent from the home and community.

Taylor is jealous of Selina's job at the local store and controls her keycard and money, using it to buy cannabis. Once, Taylor accused her of infidelity and struck her with an iron wheel brace while she was at work. Selina suffered facial and back injuries but did not attend the clinic. No one in the store reported the assault to the police. Selina has not been back to work, or to the store since.

Taylor locks Selina in their room where he smokes cannabis and abuses her. He threatens to harm himself, harm and douse her in petrol and set her alight if she tries to leave or report him to the police. Taylor's mother has tried to intervene without success. None of the adult males in the house will intervene. Taylor's family pressure Selina to stay with him and she understands she would be held responsible if Taylor was harmed in any way. She presented at the health clinic once, but was reluctant to disclose the details of her injuries, though she told the nurse she wanted to leave the community. When the clinic nurse attempted to follow-up with Selina, Taylor threatened the nurse with violence.

*The names and characterisations in these case studies do not represent any individual or any one community or situation

encountering a legal system that requires them to talk about personal issues and sensitive issues they are socialised to avoid. The formal traditions, structures and language of the court, and the adversarial system of justice it employs, may all be confusing, confronting and traumatising to victims and may be even more so when victims are from traditional Indigenous communities (Department for Women 1996). Police in the Northern Territory have identified experiences with the criminal justice system as a barrier to disclosing child sexual abuse, noting that 'court procedures for child victims are extraordinarily traumatic' (NT Commissioner of Police cited in Wild & Anderson 2007: 113). While fear of criminal justice processes is also a prominent barrier to reporting among non-Indigenous victims, for Indigenous victims they are overlaid with the impacts of a post-colonisation history that has engendered, for many Indigenous Australians, a deep distrust of mainstream authorities and justice systems that in the past have operated as agents of oppression rather than as agents of justice.

Through the impacts of this history, other state agencies, like the police and courts, may be regarded with mistrust and often perceived as racist and sexist (Cook, David & Grant cited in Lievore 2003). Some of the distrust arises from memories of policies such as the forced removal of children as part of the 'Stolen Generation' (HREOC 1997). Indigenous women have said they would not disclose victimisation for fear of having their children removed by social welfare officers (FVPLS Victoria 2010b; Mullighan 2008; Taylor & Putt 2007). An Indigenous woman with extensive experience working across communities in the APY Lands said that child sexual abuse was 'everywhere' but is not disclosed 'because family members do not want to see the family destroyed by it' (Mullighan 2008: 29).

It has been suggested that government agencies may be reluctant to intervene in Indigenous communities for fear of reprisals from the community and the media and have 'relied upon cultural politics to justify inability to intervene' (Robertson 2000: 91). Child welfare agency responses may be very slow or non-existent, in many cases due to lack of resources (Mullighan 2008). Small, remote communities are unlikely to have resident child welfare services and service providers may travel very large distances to

provide 'fly-in, fly-out' services that vary in their regularity. Welfare agencies may have limited resources to stretch across large areas and multiple communities. Lack of understanding around mandatory reporting requirements can also lead to cases not being properly dealt with (Wild & Anderson 2007). Families SA told the APY Lands Inquiry that it could not guarantee the safety of children while allegations of abuse were investigated, a process that could take up to two years:

We can't guarantee we can keep them safe in that community. We can't guarantee they won't be punished for speaking up, or ostracised in that community. It's a really vexed question because nobody but nobody agrees that this abuse shouldn't be dealt with, notified, responded to. But, sometimes when we do that, in the manner we would do it here, we just compound it and send it underground...(Mullighan 2008: 132).

When agencies fail to intervene or respond in the way victims or communities anticipate, or fail to give feedback and advice to the person reporting violence, it can undermine confidence and lead to distrust and/or perceptions that the agency is disinterested, disbelieving or inactive, all of which can contribute to non-disclosure (Mullighan 2008; Robertson 2000; Wild & Anderson 2007). Indigenous women who have suffered family violence and sexual assault, and the services working with them, have reported dissatisfaction with the police who do not keep victims informed about the progress of prosecutions and do not appreciate how this contributes to the stress and trauma victims feel (FVPLS Victoria 2010b).

Cultural considerations and coercion

One reason sometimes suggested for non-disclosure is that the sexual abuse of young children by older men is condoned or even required under Aboriginal traditional law and that Aboriginal culture supports these behaviours (eg Nowra 2007). Indigenous women have reported that one reason for not disclosing sexual assault is that some judges and police use a culturally distorted view of sexual assault to legitimise men's behaviour, citing sex as a cultural right (Queensland DPP cited in Robertson 2000). An Inquiry into child sexual abuse in

the Northern Territory concluded these are misconceptions offensive to Indigenous people and can interfere with addressing the problems (Wild & Anderson 2007). The later Inquiry into sexual abuse of children on the APY Lands accepted that the sexual abuse of children is contrary to Anangu traditional culture and law and that this and other problems on the Lands, such as community dysfunction, violence and alcohol abuse, are relatively recent phenomena that have emerged since the 1970s (Mullighan 2008). The Inquiry found that some persons in health, welfare and police accepted a view that adults or teenage males may have sex with underage or very young girls because they had been 'promised' as wives under traditional law and culture (Mullighan 2008). The Inquiry however found no basis in traditional law or custom for sexual activity with girls outside marriage. An Anangu girl or a boy may be promised for marriage and both men and women may have several promised spouses, who may remain potential partners throughout their lives. Sexual activity may only occur after the 'marriage' under Anangu law, to which strict formalities apply (Mullighan 2008).

While Indigenous people may be more likely to turn to their families and communities than police when victimised, the interconnectedness of Indigenous society and the societal rules and obligations woven through it may also tend to operate against disclosing victimisation. Factors such as shame and responsibility for maintaining families may lead to Indigenous women internalising and suppressing their pain and suffering. For a victim to focus on her pain or take external steps to deal with it can be felt as a betrayal of others who have suffered similar abuse but have carried it with them (Atkinson cited in Lievore 2003).

While some victims in the general community may choose not to report because they do not want the practical consequences of having a partner or relative imprisoned, this takes on extra dimensions in Indigenous communities who experience the impacts of Indigenous over-representation in the justice system (FVPLS Victoria 2010b; Stanley, Tomison & Pocock 2003). Some victims may feel they have to protect the perpetrator from imprisonment and a possible death in custody, while in Cape York communities, a death in custody may be regarded as the victim's fault (Fitzgerald 2001).

Violence that is seen as inevitable or unavoidable is unlikely to be disclosed to police. Violence may be seen this way in some Indigenous communities, with people expecting to be victimised and see their children grow up to be violent—an expectation both realised and perpetuated by the intergenerational nature of the violence (Atkinson cited in Memmott 2001; Taylor & Putt 2007). Indigenous women have reported hearing influential people, such as judges and barristers, say that violence is accepted as commonplace in Indigenous communities and therefore not treated seriously (Queensland DPP cited in Robertson 2000). When there is a high prevalence of unlawful sexual activity in a community, young girls may feel they have no choice but to accept being sexually abused and that resistance is at best futile (Mullighan 2008). Through processes of normalisation, women, girls and boys may not see being abused and sexually exploited as wrong, rather as something they should accept and even expect (FVPLS Victoria 2010b; Mullighan 2008). The APY Lands Inquiry heard there was a lack of sex-related education in schools and girls did not know they could say no to requests or demands for sex (Mullighan 2008). Even where girls did understand their rights, they felt they could not refuse anyway as they would be physically assaulted or detained if they did. Processes of normalisation can, in turn, lead to intergenerational effects, with children not learning appropriate sexual or physical behaviours or respectful treatment of others. A study of 480 female and male offenders in Queensland found those who had been physically abused as children had significantly higher rates for violent, property and overall offending than those who had not been abused (Teague & Mazerolle 2008).

Shame can be a particularly strong factor militating against disclosure by male victims, particularly of sexual assault. There is evidence from inquiries of widespread and increasing sexual abuse of boys in some communities, which is largely unreported due to the hidden nature of male to male sexual attacks and the shame of the victims (Aboriginal Child Sexual Assault Taskforce 2006; Robertson 2000). As is the case in the broader community, children learn to hide sexual abuse because of the shame and discomfort it causes, as well as often being dependent on the perpetrator and the reliance that brings (Mullighan 2008; Wild & Anderson 2007).

Lack of awareness or access to services

Official disclosure of violence and sexual abuse is also influenced by the extent to which people are aware of behaviours occurring, perceive those behaviours as unlawful and know to whom they should disclose them. The recent Northern Territory Inquiry found that child sexual abuse was not a highly visible problem in communities and many people were not aware of it occurring (Wild & Anderson 2007). Many who suspected the abuse was occurring did not know how to respond to it. A number of communities wanted to 'stamp out' sexual abuse but did not have a clear understanding of what it was or what behaviours constituted child sexual abuse, at least from a western conceptualisation. The severe difficulties and disadvantages faced by many Indigenous people, including deficits in formal education and exposure to broader societal processes and norms, can lead to a lack of self-esteem and a sense of disempowerment, particularly in women (Lievore 2003). Many Indigenous women are not aware of concepts like marital rape or relationship rape or do not identify the acts committed against them as assault (FVPLS Victoria 2010a; Robertson 2000).

Indigenous focus groups in a Victorian study felt that communities did not view family violence as negatively as they should, due to acceptance stemming from it being such a widespread and prevalent problem (Taylor & Mouzos 2006). Some Indigenous people may not be aware of their fundamental human rights, or not have the awareness or confidence to exercise and assert them.

A lack of Indigenous-specific victim support services and a lack of Indigenous staff within mainstream services, have been identified through focus group research as barriers to disclosure (FVPLS Victoria 2010a). A deficit of available services in many remote communities or country towns, or a lack of awareness about what services are available, can also reduce disclosure by Indigenous victims (FVPLS Victoria 2010a). Victims and families may feel it is pointless to disclose violence or abuse as nothing will be done about it and there is no one to help (Mullighan 2008). Police in the Northern Territory have cited a lack of government and non-government services and limited policing resources, particularly specialist personnel such as those trained in interviewing children, as factors in non-disclosure (Wild & Anderson 2007). In some

Case study 2

Chanelle is 13 years old and has been sexually abused for a year by 17 year old Carl. Her parents are frequently away from the community, drinking or visiting family in a regional town. Chanelle's life is characterised by high mobility, limited stability and predictability of care, and she rarely attends school. She was hospitalised five times in the first three years of her life, suffered from failure to thrive and displays symptoms of foetal alcohol syndrome. Chanelle witnessed her biological mother being subjected to domestic violence and her aunt, who lives with them, is disabled through domestic violence.

Carl also had no regular parental care and protection and established a pattern of personal autonomy from a very early age. His father, a heavy drinker, is in jail for violent assaults, including domestic violence.

Chanelle does not disclose her abuse to anyone. When she does go to school, Carl often comes and takes her away. She is teased at school that she is married to Carl. Much of the abuse occurs at Carl's mother's cousin's house, but she does not tell anyone. The aunt has no authority to intervene or interfere in Carl's behaviour and is fearful that if she discloses the abuse and anything adverse happens to Carl, she would be blamed and suffer violent retribution from his family.

Chanelle became pregnant by Carl but would not say who the father was, so service providers could take no further action. Only after she gave birth at a regional hospital, away from the community, and hospital staff asked questions after observing her reluctance to bond with the baby, did Chanelle identify the father and disclose the abuse. Police investigated but were unable to compile sufficient evidence to proceed with a prosecution.

remote communities, there may be little surveillance or contact with health and welfare agencies or police, who may discourage violence and abuse and encourage disclosure (Gordon et al. 2002). In some remote communities, there may be few if any services available that victims can report to and a lack of contact with child welfare professionals or others who can offer help (Gordon, Hallahan & Henry 2002; Stanley, Tomison & Pocock 2003).

Even where services such as rape crisis centres or other community supports exist, victims may not be aware of their availability or how to access them (Fife-Yeomans 2008). A lack of female forensic officers in rural areas has been identified as a barrier to the reporting of sexual assault among Indigenous women in Victoria (FVPLS Victoria 2010a). Remoteness and the substantial distances often involved in accessing services can make disclosure difficult, impossible or even seemingly pointless. Indigenous people living in remote communities with marked social disadvantage may simply not have the means or the willingness to travel long distances to regional centres where services are available (Skelton 2008).

Many Indigenous people, particularly in remote areas, have limited English language skills and may find it very difficult to interact with police and other authorities (Wild & Anderson 2007). Victims have cited fear of being misunderstood, shyness and real or perceived intimidation as reasons for not disclosing (Taylor & Putt 2007; Wild & Anderson 2007). Police have identified shyness and language problems as being among barriers to effective police responses and prosecution (Mullighan 2008). Child victims may be unable to properly articulate that they have been abused, even apart from other barriers such as shame, dependence and a lack of understanding around whether what was done to them was wrong (Wild & Anderson 2007).

Encouraging disclosure

Studies focusing on women experiencing sexual victimisation show victims in the general community are more likely to disclose victimisation to police if:

- police are respectful and show awareness and sensitivity to the victims' individual needs;
- the women are believed;
- women had an advocate or support person;
- police give victims information about their rights and the justice process;
- police are able to provide assurance of safety from the perpetrator;
- counsellors or sexual assault services are working with police;
- the matter is likely to be investigated; and
- officers trained in sexual assault issues are immediately assigned to the case (NSW Violence Against Women Specialist Unit 2005).

Other recommendations for improving social responses to sexual assault in the general community have included:

- promoting community awareness about the prevalence of sexual assault, challenging rape myths and mistaken beliefs and changing social responses;
- removing barriers to services;
- specialised training and education and increased support for those involved in responding to sexual assault; and
- promoting coordinated community responses (Lievore 2005).

Service responses for Indigenous victims need to be developed in conjunction with Indigenous communities and incorporate Indigenous perspectives, while recognising the practicalities of service provision in this environment. Some of the considerations will include:

- Indigenous cultural diversity, including diversity in the nature and adherence to traditional practices and authority;
- provision of culturally secure services that members of the community can feel safe and comfortable using;
- service responses that recognise the needs of all victims, both female and male, adult and child, within the cultural and practical context of each community;
- availability of translators and interpreters; and
- use of outreach or mobile services able to meet the needs of remote communities.

Research involving Indigenous sexual assault workers has suggested that mainstream models of service delivery that rely on appointments and specific counselling sessions limited to one hour periods may not be appropriate for Indigenous ways of communicating and undermine the willingness of victims and survivors to seek support (Thorpe, Solomon & Dimopolous 2004). Services that can take flexible approaches, respond to the diversity in Indigenous culture and include men as part of the healing process are more likely to be utilised by Indigenous victims and survivors (FVPLS Victoria 2010a; Thorpe, Solomon & Dimopolous 2004).

There is evidence that specific measures to increase public confidence can improve levels of disclosure. An assessment of the Sexual Assault Code of Practice introduced by Victoria Police in 1991 showed a

Case study 3

Janelle is 21 years old and lives with 22 year old Bruce in her home community. They share close language and kinship affiliations and the marriage is considered to be traditional. They have one child, Elvis. Bruce is very jealous of Janelle and suspects her of infidelity with other young men. He says Elvis is not his child. Janelle is also jealous of Bruce and accuses him of infidelity when he travels to regional communities and towns to play football.

When Elvis was six weeks old, Bruce assaulted him and Janelle. He was given a three month jail sentence. On his release Janelle and Bruce moved to another community where they both had family connections. Bruce was observed threatening Janelle and doing things to hurt Elvis. Janelle's 13 year old cousin living in the same house heard Janelle and the baby crying at night. Janelle had facial injuries from Bruce's violence and was taken to the clinic by police.

Janelle's mother and her sister came and took Janelle and Elvis back to their home community where they attended the clinic and showed the nurse cigarette burns on Elvis' thighs. Janelle explained that the burns were caused by Bruce. Janelle did not report the assault on Elvis in the other community or to police because she and her family feared blame, anger and violence from Bruce's family.

significant increase in the number of disclosures of sexual offences to police in the first few years after the Code of Practice was introduced (D'Arcy 1998).

Specialised training and education

Indigenous victim/survivors of family violence and sexual assault, as well as police, support workers and service providers have identified a strong need for cultural awareness training for police (FVPLS Victoria 2010b). This needs to be more than just academy-level training. Training should be ongoing and include working in and with local communities, involve facilitators representing the diversity of groups both within and across Indigenous communities and include the experience of people such as police liaison officers (FVPLS Victoria 2010b).

A lack of skills specific to dealing with sexual assault among some Indigenous support workers has been found to be a gap to providing effective responses to victims (Thorpe, Solomon & Dimopolous 2004). Training frontline rape crisis workers in Indigenous communities that have particularly high levels of sexual assault is an important way of encouraging disclosure (Fife-Yeomans 2008). In many remote communities, it would not be practical, or perhaps even possible (given limited resources for service providers) to have a resident rape crisis service, which will typically be provided through regular or occasional visits by mobile services operating on a 'fly-in, fly-out' basis.

While appropriate police attitudes and responses may be likely to encourage disclosure, this pre-supposes that trained police officers and other support services are available to assist victims. Having a police presence, including officers of both sexes with the skills and training to respond to vulnerable victims and who are trusted by the community, is critical to ensuring that community members have the opportunity to disclose victimisation, feel safe and confident in doing so and allows for more proactive policing responses to reduce reliance on disclosure by victims. The increased police presence resulting from the Northern Territory Emergency Response reportedly led to a sharp increase in the reporting of child sexual abuse to police (FaHCSIA 2008).

Community awareness education

It is apparent that one major barrier to disclosing is a lack of awareness among community members of whether behaviours constitute sexual assault or are otherwise illegal. There is a need for education and awareness so that people in communities can identify signs that might indicate abuse and know who they can report their suspicions to. While it is not necessarily culturally appropriate for such sensitive topics to be communicated directly by Indigenous people to their own communities, education campaigns should be informed and actively supported by communities. The need for widespread sexual education and awareness in Indigenous communities has been recognised through inquiries (eg Wild & Anderson 2007). For campaigns to be effective, they should involve close consultation and engagement and face-to-face delivery of messages across many communities (see Bryant & Willis 2009).

Barriers to disclosure need to be tackled at strategic and local levels, involving wide-ranging communication activities involving communities, schools, the media (Taylor & Putt 2007). These might include the dissemination by social and health services of information about sexual violence against women and advice about prevention and disclosure. Awareness and education campaigns should aim to establish a 'need to disclose' culture, involving community leaders who encourage and appeal for disclosure on an on-going basis (Mullighan 2008). The APY Lands Inquiry found that education about their sexual rights gave Indigenous girls a degree of empowerment but did not stop them being sexually abused and assaulted, particularly when refusal could lead to a more violent rape (Mullighan 2008). Education about rights needs to be supported by protective policing measures and wider community support to allow those rights to be exercised safely.

Community responses

Solutions to violence developed by Indigenous people are likely to focus on community responses (Keel 2004; Lievore 2003). Effective approaches for Indigenous communities are likely to focus on healing processes that aim to let victims deal with their pain and suffering, perhaps through telling their stories in a way that is comfortable and safe for them, while

maintaining community and family interconnectedness (Blagg 2002; Lievore 2003). Indigenous women have contended that responses to family violence need to maintain family relations, recognising that for many Indigenous women leaving the family or escaping a violent relationship is simply not an option. Responses also need to recognise and respect female victim's cultural and family obligations, rather than aiming to separate women from families and communities (Blagg 2002).

Indigenous approaches may involve customary law and principles of restorative justice and reconciliation, only involving the criminal justice system in the most serious of cases. Focus group research involving Indigenous and non-Indigenous women showed that Indigenous women preferred restorative justice approaches to family violence over other criminal justice system responses, in sharp contrast to the views of non-Indigenous women, seeing the criminal justice system as

a tool of oppression against Indigenous people and a facilitator of increased violence against them and their communities (Nancarrow 2006).

Indigenous women prioritised justice objectives restoring relationships between offender and victim and between offender and community, and sending a message to the community that violence is wrong, over holding men accountable (Nancarrow 2006). In contrast, non-Indigenous women prioritised holding men accountable. While non-Indigenous women saw family violence as a crime to be owned by the state, Indigenous women saw it as a community problem, to be addressed through community-owned justice responses (Nancarrow 2006).

Changing the situation

Increasing the level of disclosure is one step in resolving the problems of violence that impact on Indigenous communities. Efforts to increase disclosure can only be effective within the context of broader efforts to break the cycles of intergenerational violence and cultures that establish violence as normative. Solutions need to consider the role of men in changing attitudes to violence, ensuring that the right services and responses are in place to respond effectively to disclosures and that culturally appropriate supports are available for victims.

Conclusion

The high levels of violence and abuse seen in some Indigenous communities are closely linked to a wide range of other problems such as community dysfunction, marginalisation, disempowerment, poverty, alcohol and substance use and other antisocial behaviours (Memmott et al. 2001). These are major problems with difficult solutions that are well beyond the range of this paper. While effective responses by police and other agencies are a part of the solution, they are reliant on information and cooperation of the community. A number of the inquiries and reports cited in this paper show that violence and abuse are so prevalent in some communities that they are seen as inevitable, as something to be tolerated and not disclosed. People in all communities have a fundamental right to live without the expectation that they, or those around them, will be violently victimised. Moving past this to an expectation that victimisation is atypical and intolerable is undeniably necessary.

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ISSN 0817-8542 (Print)
1836-2206 (Online)

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Project no. 0144

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