

## DEBRA PARKINSON

### Aboriginal women

Professor Mick Dodson said:

“Let me make the point that violence is not and never was part of Aboriginal tradition ... We have no cultural traditions based on humiliation, degradation and violation.” Professor Mick Dodson, ANU Institute for Indigenous Australia, Address to the National Press Club, ‘Violence, Dysfunction, Aboriginality’, 11.06.2003

Aboriginal people have a common cultural history of suffering, loss and injustice. Historic and current discrimination against Aboriginal people from police, health professionals and other figures of authority can prevent their reporting partner rape or seeking help from mainstream agencies. A different style of work is required to work effectively with Aboriginal communities. There is a great need for more Aboriginal workers. One said:

“We’ve been through a lot. With most Koori families, there’s always something in their family ... from way, way back that has impacted on us in such a way that we go through all this stuff. It’s a cycle that’s gone around and around and nothing’s really changed. The only way it’s going to change is if people like me come to work in mainstream organisations .” (HP #7)

As well as more Aboriginal workers, there is a need for greater sensitivity from non-Aboriginal workers.

“With Koori women, when they do go to a mainstream organisation, it’s the way people look at them and talk to them that turns them off. They’d rather just walk away than have to deal with that sort of stuff.” (HP #7)

The four Aboriginal women in our sample had similar experiences to the other 16 women. Three of the four had non-Aboriginal partners. One of the 16 other women was married to an Aboriginal man. Race does not give us a different story. The data certainly did not lead us to thinking Aboriginal and non-Aboriginal women are affected differently by partner rape.

### The Police

In recent years, the Victorian Police have implemented changes to improve the response to women experiencing family violence and sexual assault.

SOCA units (where police specialise in Sexual Offences and Child Abuse) have increased police understanding and sensitivity over many years now. Newer changes are that:

- Family Violence liaison officers are located at all 24 hour police stations and there are 14 Family Violence advisors in Victoria
- There is a new *Code of Practice for the Investigation of Family Violence* and a new code for *Sexual Assault*

- The proposed *Family Violence Bill 2007* will be enacted in December this year. It strives to prevent family violence, maximise safety, and promote accountability of the violent perpetrators.

With few exceptions – only 2 of 30 – the police we spoke to indicated that partner rape is a serious crime.

Yet there are complicating factors in its investigation.

In a stranger rape case, DNA proof of sexual activity is evidence. But DNA proof is no evidence at all in a relationship because defence can argue that consensual sex occurred. If the woman is called as a witness in a case against her husband, she has the right **not** to give evidence against him. In these circumstances, police no longer have a case – they have lost their witness.

Put simply, it is harder to prove partner rape. Police may fully support a woman in her allegations and believe her, but the Director of Public Prosecutions will only take a case to court if it can be won.

Of the 21 women

- Only 4 went to police regarding rape at the time. It is heartening that three cases made it to court. In one, the charges were dropped after the perpetrator said he would never do it again and agreed to go to counselling. In another, the case was heard and he was found not guilty – this was after about two years of preparations and adjournments. In the third, there was a guilty verdict, now awaiting sentencing.

17 women did not go to police. Some did not trust the police. Some wondered what police could actually do. Some felt shame and did not want their private suffering to be made public. Several women mentioned they had closely followed rape cases that had been reported in the media, and after seeing the way the cases were handled, they decided not to pursue legal action.

'I thought of taking him to court for rape. It was in the mid '80s. Because of the nature of it, I wasn't discussing it with anyone... At the time, there was a case in the courts and in the media of a woman who had taken her husband to court for rape within marriage. Given the public exposure, I thought, she's a tough cookie dealing with that. On one hand, this needs to be in the public realm, but on the other it's such a private thing you don't want others to know ... The guy was acquitted. Why would you put yourself in that position, with that exposure in the courts, recounting that experience? It's the whole trauma of going through the court. Then what?'

The police reiterated these concerns, citing the length of time before reaching court, and the damaging treatment of women once in court.

**We asked police if they would advise someone they loved to report partner rape. Only six of the 30 said they would advise to report.**

The main reasons suggested by police for women not reporting are fear of not being believed; a misconception that there is no rape in marriage; self

blame;;concern for children; the hardship in establishing a new home and a new life; and fear of escalating violence  
Those who do report, do it out of concern for other women; to hold the man accountable for his violence; and to say what's happened to them – and be believed.

It is logical that reports of historic partner rape are more common:

- The barriers to immediate reporting are no longer there
- Children have grown
- The relationship has ended
- Elements of fear and control have reduced, and
- The legacy of time passing means that women realise they were not to blame and are stronger within themselves

While SOCAU officers have in-depth understanding of sexual assault – officers from the uniformed branch and the Criminal Investigation Unit understood and emphasised the importance of believing the woman. One said the single most important reason women don't report partner rape is the fear of not being believed. It follows then, that the attitude of individual officers in being open to hearing about partner rape will determine whether women tell them or not.

One uniformed police officer said, 'I don't think I've ever been involved in intimate partner allegations of rape. I was in the CI (criminal investigation unit) for a long time. In all my experience, I don't think I've ever had one'. Another CIU officer said, 'We see so much of partner rape, a fair bit of it happens. I don't think the community is aware of how many sexual assault offences occur against women and children'.

### The health professionals

Many health professionals acknowledged their own reticence to address partner rape. At one end of the spectrum, one women's health nurse said she never came across it. At the other, several workers came across it so often they had sought professional development to deal with it – both for themselves and for their clients.

Rape is a dangerous word. There is controversy about whether workers should use the word, 'rape'. Inconceivably, this reluctance emanates even from within the domestic violence field. If women are affirmed in their euphemisms – *that 'he had his way', 'he took me', it was just 'something that happened'* – by individual counsellors and health professionals, and this approach is sanctioned by the very sectors that are meant to work to stop violence against women, nothing changes. The man continues on, believing his criminal actions to be nothing more than

his conjugal rights. The woman continues on, thinking it is her role to be abused. The status quo is preserved.

Some health professionals felt using the word 'rape' was an assault to an already vulnerable woman and could further erode her sense of self.

Others said they would be complicit in denying the existence of partner rape if they didn't name it for what it is. They believe naming it can be empowering for women.

We believe the workers who refuse to pick up on signals from a woman seeking help deny her an opportunity to address rape by her partner.

They leave her alone with the consequences of her partner's violence.

They confirm that she indeed has no-one to tell and nowhere to go.

The health professionals described an array of effects on women of partner rape: agoraphobia; self-harm; low self-esteem; depression; anxiety; and suicide ideation.

Health professionals said they wanted:

- Training in partner rape
- To understand the concept of it as a crime
- The theory of how it plays out in a reluctance to disclose or report, or even leave.
- To know the questions to ask and the actions to take with women disclosing partner rape

### Rurality, Complicity, Patriarchy

This research is particularly interested in rurality as a factor. A culture of violence against women is nurtured by the combination of rurality, complicity and patriarchy.

Patriarchy allocates particular roles to people based on gender and values these roles differently. The power structure is based on gender.

Within patriarchy, women are seen to be lesser and subject to the will of men. Patriarchy is strong in country towns and strongest in isolated rural areas.

"I initially came out to the country after doing a Masters degree in mental health and I specialised in rural counselling ... I would say most of the women I counsel, it's for the effects of abuse. I think the drought exacerbates it but it's the culture, the patriarchal 'women have their place' which is to meet the sexual needs of men and raise the children and clean the house. Women are very, very silenced here." (Health professional #9)

A health professional we interviewed said:

"We don't have zero tolerance here ... We have 100 per cent tolerance of violence." (HP #12)

Our findings confirmed other research showing that increased isolation means increased risk of violence for women. There is more opportunity for entrapment and monitoring and a greater prevalence of conservative attitudes towards gender roles. To exacerbate this, there are few support services for women in rural and remote areas, and the ever-present 'tyranny of distance'.

#### RECOMMENDATIONS

A number of recommendations emerged from this research in six broad categories.

1. Know partner rape exists
2. Name it as rape
3. Educate health professionals and community members in how to respond. You can do this in just four steps.

1. ASK: Are you safe within your relationship?
2. NAME IT: What you've just described to me is rape and it's a crime.
3. RESPOND: Give contact details of the local CASA, Domestic Violence Service and Victoria Police SOCA Unit
4. FOLLOW UP: 'Last time you spoke about your safety. I'd like to know how you are now.'

4. Hold men accountable

We have to stop ignoring partner rape and finally hold these men to account for their criminal behaviour. They should be under no illusion that what they are doing is acceptable. It is irresponsible to allow conditions in which women and their supporting friends and family are left to contemplate how to find justice.

5. Prevent it

As parents and community members, we have a pivotal role in bringing up young men and women to understand what makes a healthy relationship. We need to model it, to state it, and to live it. The message for children is simply about respect.

The final category of recommendations is to

6. Increase services to rural areas

This research points to a stark deficit in services for rural women.

We need:

- more rural police officers and SOCAU officers
- more access to counselling services, particularly after hours and telephone

- more trained Forensic Medical Officers or forensically trained nurses,
- and we need accessible rehabilitation programs for sexually violent men.

Today's event launches the report, and launches the implementation of these recommendations. This gathering begins the awareness raising. We are left in no doubt that partner rape exists and we know that it's a crime that does great harm. From today, let's give women somewhere to go and someone to tell.