

## Aboriginal and Torres Strait Islander people

Aboriginal and Torres Strait Islander women are at greater risk of all forms of violence and related death than other Australian women. In 2014-15: the hospitalisation rates for Aboriginal and Torres Strait Islander women who experienced non-fatal domestic and family violence-related assaults were 32 times the rate for non-Aboriginal and Torres Strait Islander females [JCCD, [Path to Justice \(ATSI\) 2016](#)]. In that year, the hospitalisation rates for Aboriginal and Torres Strait Islander men who experienced non-fatal domestic and family violence-related assaults were 23 times the rate for non-Aboriginal and Torres Strait Islander males. These hospitalisation rates increased considerably with remoteness [Productivity Commission 2016]. For example, for Aboriginal and Torres Strait Islander women in some remote areas, the rate was 53 times higher than for other women [DPM&C [Closing the Gap 2018](#)].

Due to social and cultural influences unique to the lives of Aboriginal and Torres Strait Islander people including gender-specific cultural roles and protocols, and experiences of colonisation, dispossession, assimilation, racism and the Stolen Generations [JCCD, [Path to Justice \(ATSI\) 2016](#)], the broader understanding of domestic and family violence applied in other Australian contexts may not fully reflect the experience of Aboriginal and Torres Strait Islander people [Blagg et al 2015]. An understanding of kinship structures and community histories, particularly in remote communities, may be important where the victim and perpetrator are from different groups and there is a risk of conflict between families or retaliation by the perpetrator's family. Some communities continue to practise traditional Aboriginal and Torres Strait Islander laws and these may have strict cultural protocols.

A range of complex factors such as a loss of traditional culture, fragmentation of kinship systems, discrimination, poverty, unemployment, homelessness, drug and alcohol misuse, and a decline in traditional gender roles and status may combine to contribute to a sense of powerlessness among some Aboriginal and Torres Strait Islander men, which they may seek to compensate for by exerting control over the women and children in their lives [Gordon et al 2002].

The extended notion of family and kin in Aboriginal and Torres Strait Islander culture may broaden the scope of relationships affected by or vulnerable to domestic and family violence [WA Ombudsman 2015], which may in turn mean that the abusive behaviours manifest differently in some respects from those in non-Aboriginal and Torres Strait Islander relationships. For example, the abuse may take the form of bullying, shaming, social exclusion, “demand sharing” or “humbugging” (demanding money or food) or “jealousing up” (a person jealous of their partner’s associations with others may deliberately provoke a violent response from their partner [Blagg et al 2015]). Particularly in this context, both men and women may engage in aggressive behaviours, and be both perpetrators and victims of domestic and family violence. Perpetration rates for men are seven times that of non-Aboriginal and Torres Strait Islander men; and for women, the rate is ten times that of non-Aboriginal and Torres Strait Islander women [Grech & Burgess 2011]. For Aboriginal and Torres Strait Islander women, there is a strong correlation between **exposure to violence** and their own offending: most who perpetrate domestic and family violence are also victims of physical or sexual violence within their family and kin relationships, as adults, or previously as **children** [Bartels 2012].

Aboriginal and Torres Strait Islander women may **not report or seek help** for the domestic and family violence they experience so as to avoid damaging consequences for themselves, their children and family members. They may fear retribution from the perpetrator or the perpetrator’s family; they may fear the child protection agency will remove their children [JCCD, Path to Justice (ATSI) 2016]; they may distrust or fear the police, criminal justice system and mainstream services where they themselves have a record of violence or offending; they may fear the perpetrator will be jailed or that he will die in custody; or they may fear gossiping and shaming by members of the local community [Willis 2011]. Some Aboriginal and Torres Strait Islander **women with children**, feeling a duty to keep the family together, may prefer that the violence stops to leaving the perpetrator whom they may continue to feel empathy for and committed to.

A number of other factors may compound the vulnerability of Aboriginal and Torres Strait Islander women to the experiences and impacts of domestic and family violence. They include: geographical remoteness and isolation, overcrowded housing, low incomes, limited access to transport, lack of shelters that cater specifically for Aboriginal and Torres Strait Islander women and children, **lack of English literacy** and limited availability of **interpreters** in particular Aboriginal and Torres Strait Islander languages [JCCD, Path to Justice (ATSI) 2016], lack of other support services and related delays in response, more ready access to firearms, higher rates of gambling and alcohol consumption, the practical difficulties in compliance with protection orders in small communities, and the intergenerational continuance of violence [Blagg et al 2015]. Recent reports have identified extremely high levels of unmet legal need amongst Aboriginal and Torres Strait Islander women [JCCD, Path to Justice (ATSI) 2016]. These factors may intersect with the systemic disadvantage, inequality and discrimination, and feelings of shame and hopelessness experienced by some Aboriginal and Torres Strait Islander women resulting in significant challenges and barriers to those women when seeking support and legal redress for domestic and family violence.