



# Indigenous family violence and sexual abuse: Considering pathways forward

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## ABSTRACT

*Australian Indigenous experiences of family and sexual violence have received much media and government attention since 2006. Three state government reports into the problem have been published in this time. These reports highlighted the disproportionate incidence of sexual assault and family violence within Indigenous communities and the many complexities associated with such experiences. They also illustrated that Indigenous communities are actively considering pathways forward for healing and for justice for victims, their families, and the broader kin network who inevitably feel the ripple effects of such violence. Increasingly, international examples of pathways forward are being considered for their applicability in the Australian Indigenous context. This paper critically examines the international case study of the Community Holistic Circle Healing process developed by the community of Hollow Water, Canada. Australian Indigenous family violence reports since 1999 have identified this process as an example of best practice in the management of sexual violence in Indigenous communities and have recommended that similar such models and processes be considered for implementation in Australia. This paper critically examines the program in its own context and reflects on the feasibility of its transference into the very different geographic, social, cultural, political and spiritual contexts of Australian Indigenous communities.*

**Key words:** Indigenous; family violence; sexual violence; community interventions; Hollow Water

The sexual assault of Indigenous children in Australia has received much media and government attention since 2006. This was largely spurred on by an explicit and confronting interview with Crown Prosecutor Nanette Rogers that aired on ABC's *Lateline* program on 15 May 2006. In this interview Rogers detailed a number of graphic cases involving the sexual abuse of

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young children. She made it clear that 'these cases are beyond the range of our comprehension' and 'in normal behaviour, we expect people to be, say murdered or sexually assaulted or, you know, maybe stabbed but not on a constant basis – not in relation to horrible offences committed on really small children' (Jones 2006). The stories that Rogers shared in this interview were not unfamiliar or 'new' to Indigenous community members living in the Northern Territory or indeed other parts of Australia. Similar graphic stories of sexual abuse and family violence have been told in government commissioned inquiries into violence in Indigenous communities for more than a decade (Gordon, Hallahan & Henry 2002; Memmott, Stact, Chambers & Keys 2001; Mow 1992; New South Wales Aboriginal Child Sexual Assault Taskforce 2006; Robertson 1999; Victorian Indigenous Family Violence Taskforce 2003; Wild & Anderson 2007). In fact, it is now understood that Aboriginal child sexual assault and family violence are 'huge' issues across the country; in some communities it is understood to be a problem described as 'massive', 'epidemic', and 'it's a way of life' (New South Wales Aboriginal Child Sexual Assault Taskforce 2006: 49).

This context is important in considering pathways forward for healing and for justice for the victims, their families, and the broader kin network who inevitably feel the ripple effects of such violence (Morrison, Quadara & Boyd 2007). Mainstream approaches to healing and justice have consistently been identified as problematic and requiring in some cases significant reform (Gordon et al 2002; Memmott et al 2001; Mow 1992; New South Wales Aboriginal Child Sexual Assault Taskforce 2006; Robertson 1999; Victorian Indigenous Family Violence Taskforce 2003; Wild & Anderson 2007). Many Indigenous specific programs have arisen as a consequence of the inadequacy of mainstream responses, yet there remains a lack of knowledge about whether *these* programs are *effectively* responding to and reducing the violence in the communities in which they operate. This situation arises from a minimal

investment in evaluation processes (Calma 2008: 2). The Social Justice Commissioner in his 2007 report has indicated that the lack of formal evaluations does not mean that individuals and communities are not working, often despite immense odds, to tackle the confronting problem of violence within their communities. Rather, it is that they are rarely recognised for their efforts publicly.

In an effort to address this gap and to give a positive story in among the many negative over the past year, the Commissioner highlighted some 19 programs from around the country addressing the problem from a variety of angles including: community education and community development, healing, alcohol management, men's groups, family support and child protection, safe houses and offender programs. In addition to showcasing these various initiatives, the Social Justice Commissioner also provided a number of recommendations for ongoing work in this area. These included a recommendation for the immediate establishment of a clearinghouse to facilitate the sharing of knowledge on Indigenous family violence and abuse initiatives to be immediately funded to share stories of success and of challenges, building capacity within the sector rather than 'reinventing the wheel every time a new policy or program is announced'. He further stated that 'tomorrow's national strategy should come out of today's success stories as we consolidate knowledge and experience' to create positive futures for Indigenous communities, families and children (Calma 2008: 2).

The reports into Indigenous family violence, child abuse and sexual assault over the past decade including the 2007 Social Justice Report have contained a wealth of information about the context and experience of violence and its aftermath for all those affected. These reports have also provided suggestions on pathways forward, many of which have been based on international examples. This paper will critically examine the international case study of the Community Holistic Circle Healing process developed by the community of Hollow Water, Canada. A number

of Australian Indigenous family violence reports since 1999 have identified this process as an example of best practice in the management of sexual violence in Indigenous communities and have recommended that similar such models and processes be considered for implementation in Australia (Gordon et al 2002; New South Wales Aboriginal Child sexual Assault Taskforce 2006; Wild & Anderson 2007). This paper critically examines the program in its own context and reflects on the feasibility of its transference into the very different geographic, social, cultural, political and spiritual contexts of Australian Indigenous communities.

### CONTEXTUAL REALITIES

Before discussing solutions, one must understand the context in which violence occurs and how it is understood by Indigenous communities across the country. Research in Indigenous family violence tells us that one factor alone cannot be singled out as the 'cause' of family violence – a multitude of inter-related factors are attributable. A useful way of understanding these factors is by categorising them into two groups. Group 1 factors include colonisation: policies and practices; dispossession and cultural dislocation; and dislocation of families through removal. Group 2 factors include: marginalisation as a minority; direct and indirect racism; unemployment; welfare dependency; past history of abuse; poverty; destructive coping behaviours; addictions; health and mental health issues; and low self-esteem and a sense of powerlessness (Cripps 2007: 7–18). For many Indigenous people, our lived experiences dictate that any or all of the factors in Group 1 could be identified as contributing to current experiences of violence. Results from the Australian Bureau of Statistics (ABS 2002) National Aboriginal and Torres Strait Islander Social Survey 2002 are also illustrative of this point: the Survey found that of the 24% of people who reported to being victims of violence in the 12 months prior to the survey, the rate was highest among those who had been removed from their

natural families (38% compared with 23% among those not removed). Moreover, a significant body of research has also demonstrated that when Group 2 factors are experienced either individually or in combination, they also contribute to high levels of distress that can in turn lead to violence. In relation to Group 2 factors, the Survey highlighted that victims reported higher rates of:

- Disability (29% compared with 22% among those without a disability);
- Living in low income households (27% compared with 19% among those in high income levels); and
- Unemployment (38% compared with 21% among the employed).

(Al-Yaman, Van Doeland & Wallis 2006)

A past history of abuse was also identified in *Little Children are Sacred*, the Report of the Northern Territory Government Inquiry into the Protection of Aboriginal Children from Sexual Abuse released June 2007 as being a significant factor in the intergenerational transmission of abuse. They provided the following example to reiterate this fact:

HG was born in a remote Barkly community in 1960. In 1972, he was twice anally raped by an older Aboriginal man. He didn't report it because of shame and embarrassment. He never told anyone about it until 2006 when he was seeking release from prison where he had been confined for many years as a dangerous sex offender. In 1980 and 1990, he had attempted to have sex with young girls. In 1993, he anally raped a 10-year-old girl and, in 1997, an 8-year-old boy (ZH). In 2004, ZH anally raped a 5-year-old boy in the same community. That little boy complained: 'ZH fucked me.' Who will ensure that in years to come that little boy will not himself become an offender? (Wild & Anderson 2007: 12)

Thus the interplay of all of these factors in individual families' experiences of violence is exceedingly complex. However, to ignore any of these

factors and the role that they have played and continue to play in families is tantamount to not understanding family violence as it occurs in Indigenous communities (Cripps 2007). This knowledge is essential in designing and implementing sustainable solutions as inevitably the situation confronted by practitioners can be complicated by the interplay of *all* of these factors.

## CONSIDERING APPROPRIATE INTERVENTIONS

Professional helpers have typically not been the first line of support that Indigenous peoples have sought in circumstances of family violence and/or sexual assault. Instead, we have often relied upon informal helping systems, in particular, for women – our sisters, mothers, aunts and grandmothers. In some circumstances, however, situations develop in which we need and choose to use professionals to help us heal from the trauma we have experienced. Quite often, however, such help is unavailable or inappropriate in meeting our needs, as those providing the services understand little of the complex interplay of the multitude of factors contributing to Indigenous experiences of violence. Indeed, there is now quite an extensive body of literature that clearly illustrates what has long been known at an Indigenous community level: that typical ‘western’ responses to family violence like women’s refuges, criminal justice responses and programs of a therapeutic nature have mostly been culturally inappropriate and ineffective (Cripps 1998; Gordon et al 2002; Luna 1998; Robertson 1999). These approaches are largely based on western models of intervention that have focused on the separate needs of victims and perpetrators, with a particular focus on a criminal justice response. The latter is an approach to violence that largely criminalises violence and relies on the institutionalisation of the offender to protect the victim. Indigenous community members have consistently criticised this approach as being irrelevant, discriminatory and a repeat of the kinds of violence inherent in policies and practises of

colonisation. Indigenous experiences with these approaches have found them to be disempowering and processes by which methods of power and control can be reinforced. This belief is supported by evidence that many of these institutions provide limited opportunities for perpetrators to be rehabilitated. As a consequence, recidivism rates remain unacceptably high, with many Indigenous people leaving prison only to re-enter it soon after (Calma 2008: 163). Indigenous community members feel that this approach can exacerbate an already volatile situation. Women and children in particular live in fear that ‘they would get it worse’ upon the release of the perpetrator from custody. They consequently have often rejected ‘solely punitive responses’ (Atkinson 1990a, 1990b, 1990c; Bolger 1991; McGlade 2006; Robertson 1999).

In some jurisdictions, in response to this commonly held view, restorative justice processes (eg Circle Sentencing, Nunga Court, Koori Court) have been developed and implemented with varying degrees of success. These approaches, as Daly (2005: 8) explained promise the following:

- To hold offenders accountable for what they have done, but not to stigmatise them;
- To give victims a greater role and more voice in the criminal justice process;
- To provide a means for those directly affected by a crime to decide what to do about it, and not to rely solely on professional or legal opinion; and
- To fashion penalties that make victims, offenders and supporters feel that justice has been done and that the offender’s offence has been repaired in some way.

Yet the extent to which these promises are delivered through these processes is the subject of heated debate and few evaluation studies exist either in Australia or internationally that explore the extent to which these promises are achieved (Adjin-Tettey 2007; Blagg 2008; Daly 2005; Kelly 2002; Marchetti & Daly 2007; Stubbs 2007).

Of those studies that do exist, little is said

about the development, implementation and maintenance of the broader 'service' structure needed to support such processes. Evaluation studies of such processes to date have focused on the cost effectiveness of such approaches and measuring their success in terms of reduced recidivism rates. They have not explored sufficiently the long-term behaviour changes, extent of healing or the implications of this form and process of 'justice' from the perspectives of all the parties involved in the restorative justice process: victims, offenders and service providers (Adjin-Tettey 2007; Blagg 2008; Couture et al 2001; Daly 2005, Kelly 2002; Marchetti & Daly 2007; Stubbs 2007). These areas are notoriously difficult to pin down and quantify, but are important in the context of measuring the success of restorative justice particularly as it operates in Indigenous community settings. For instance, does this form of justice deliver better outcomes to the traditional criminal justice approach? Are communities safer places for having used this approach? These questions are important, but they are outside the scope of this paper. The international case study of the Hollow Water Community Holistic Circle Healing process critically examined in this paper, while being influenced to some degree by the philosophical underpinnings of restorative justice processes, *is not identified* by the Hollow Water community *as being a restorative justice process*.

## CASE OF HOLLOW WATER

Hollow Water is a village of some 600 people on the east shore of Lake Winnipeg. It is home to the Anishnabe people. In 1984, violence was the norm, often fuelled by alcohol and drugs. And not to dissimilar to Indigenous communities in the Northern Territory, there was virtually no employment, there were high rates of truancy among the children, high rates of suicide and crime, and family violence was a regular occurrence in the majority of homes. There was also speculation that 75% of the community were victims of sexual abuse. This violence was seldom

acknowledged in the community, much less dealt with (Sivell-Ferri 1997). In considering pathways forward, community members were, like Australian Indigenous people, skeptical of the justice system's ability to manage the violence they were experiencing. It was their position that the legal system's use of incarceration, under the guise of specific and general deterrence, was ineffective in breaking the cycle of violence within their community.

Victimisation has become so much a part of who we are, as a people and a community, that the threat of jail simply does not deter offending behaviour. What the threat of incarceration does do is keep people from coming forward and taking responsibility for the hurt they are causing. It reinforces the silence and therefore promotes, rather than breaks, the cycle of violence that exists. In reality, rather than making the community a safer place, the threat of jail places the community at risk.

(Sivell-Ferri 1997: 101)

To make matters worse, community members also reported that those charged with violent acts, historically, remained within the community, often for months, awaiting a court hearing. The justice system presumed they were innocent until proven guilty. They were very concerned that by this delay as the lack of immediate accountability of any form of intervention allowed re-offending to occur (Sivell-Ferri 1997: 101).

Recognising the many limitations of the justice system, community members called their first meeting in 1984 to discuss the violence and dysfunction occurring within their community. They were especially concerned by its impact upon children and wanted to consider pathways forward. Many of the people who attended this first meeting were described as social service providers. They included the child protection worker from the Manitoba Children's Aid Society, the community health representative, the nurse in charge and the Native Alcohol and Drug

Addiction Program worker, together with the Royal Canadian Mounted Police, the Frontier School Division of the Manitoba Department of Education and community churches (Sivell-Ferri 1997). The group began their work by recognising the enormity and complexity of the violence, particularly sexual abuse within their community.

This first meeting was followed by further meetings where open and frank discussions of the conditions under which each agency presently worked, and factors that could inhibit their ability to work together for the benefit of community members, took place. Professional barriers identified by the group included: rules of confidentiality on sharing information between agencies; departments working in isolation, as silos; and each 'problem' (eg suicide prevention, mental health, substance abuse) being treated separately in a compartmentalised way by agencies. The people who attended these meetings stressed the need to breakdown these barriers as they felt a 'team approach' in the spirit of 'true' partnership was needed to better support families within their communities. This necessitated ongoing engagement with a number of professionals working within two specific systems – child welfare and the justice system to critically examine how they operated within the community, their impact on victims, perpetrators and the broader community and reflecting on how things could be done differently. This process of engagement and dialogue extended to include Elders, chiefs, victims, offenders, other service providers and organizations, and surrounding communities to ensure that the model and process being developed was reflective of key stakeholders knowledge and experience. This process of information gathering and sharing, over time facilitated among all those involved (Indigenous and non-Indigenous, community members and service providers) a two-way learning that developed not only the Community Holistic Circle Healing model but for all those involved – their capacity, skills and experience in responding to the complexities of the violence as it occurred in Hollow Water

(Couture et al 2001; Ross 2006; Sivell-Ferri 1997; Young 2007).

Over time, it also became apparent to those developing the Community Holistic Circle Healing model and process that there was a need for common training and over the course of 5 years they created in excess of 20 different training programs for themselves. Many of these were based on western models for intervention and healing, but others included reaching out to other Aboriginal communities outside Hollow Water to explore traditional ways of healing and responding to such complex issues. At every step, they took the best from everything they explored, creating a comprehensive program that reflected both traditional Aboriginal and contemporary western approaches (Ross 2006: 29–30).

The team was constituted in the 1980s. While the members over time may have changed, they continue to meet fortnightly to discuss individual cases, to review progress and practices towards achieving Hollow Water's healing needs and treatment goals. Outside resources such as school nurses and counsellors are also invited to attend and to contribute. This approach to partnerships and teamwork strengthens and enhances their work in myriad ways in particular decision making is sharpened, and understanding about how best to address the needs of community members is deepened (Ross 2006).

The Community Holistic Circle Healing process that developed from these early meetings and capacity development has similar philosophical underpinnings of restorative justice in that they prioritise the need to hold victimisers directly accountable to those most affected by the victimisation – the victims, respective families and the wider community. In doing so, it differs markedly from the mainstream criminal justice system in which sexual assault is positioned as a crime against the state and in which victimisers are easily able (even encouraged in some respects) to maintain 'denial' and lack of responsibility for their actions. It is important to note, however, that while Hollow Water does not accept that

incarceration is an adequate response to child sexual assault, it still works in conjunction with the existing criminal justice system, its strength being described as its ability to draw upon 'the combined power of the law and the community' (Bushie 2005: 2). The Community Holistic Circle Healing process also recognises and respects the delicate position the violence places victims in. Hollow Water is a small community. Its victims cannot hide from victimisers. Their day-to-day routines are such that their lives are in regular contact with those of their victimisers. The Community Holistic Circle Healing process means that they do not have to live those lives in fear (Sivell-Ferri 1997: vii).

### **WHAT IS THE COMMUNITY HOLISTIC CIRCLE HEALING PROCESS?**

In her article 'Community Holistic Circle Healing: A Community Approach' Berma Bushie who is a founder of the Community Holistic Circle Healing process, detailed the processes surrounding the 13 steps taken following a sexual assault disclosure. The steps include:

1. Disclosure
2. Establish safety for the victim
3. Confront the victimiser
4. Support the spouse or parent of the victimiser
5. Support the families that are affected
6. A meeting between the assessment team and the police
7. Circles with victimisers
8. Circles with the victim and the victimiser
9. Prepare the victims family for the sentencing circle
10. Prepare the victimisers family for the sentencing circle
11. A special gathering for the sentencing circle
12. A sentencing review
13. A cleansing ceremony. (Bushie 2005: 3–4)

Following a disclosure of sexual assault, an intervention team consisting of a Community Holistic Circle Healing team member, a representative

from the Child and Family services department and the police (RCMP) come together to investigate and record the victim's story and ensure their safety (Bushie 2005; Ross 2006; Sivell-Ferri 1997). If it is determined (beyond reasonable doubt) that the abuse has taken place, the abuser is confronted and charged. At the same time, the abuser is approached by the Community Holistic Circle Healing team members who encourage admitting to the abuse and agreeing to participate in the healing program. Only victimisers who agree to plead guilty and fully co-operate with the healing process are accepted into the program. The Community Holistic Circle Healing team make it clear that those who do not agree will not receive the support of the Community Holistic Circle Healing team, but will instead be abandoned to the courts with jail as a possible outcome (Bushie 2005; Ross 2006; Sivell-Ferri 1997).

Abusers who agree to 'the healing road' and participate in the Community Holistic Circle Healing program then begin a 3- to 5-year journey that ends in restitution and reconciliation between the abuser and the victim, the victim's family and the wider community. To assess the authenticity of a person's commitment to the process, the Community Holistic Circle Healing asks the court for an initial 4-month period where the abuser is asked to undergo a process of looking deeply at themselves and through the denial to admit what they have done and how their actions have hurt others. Here there are four circles held in which abusers are asked to share what they have done, to bring them together with their immediate family to tell them what has happened, a third circle with their extended family, and then a sentencing circle in which they tell the community what they have done and the steps they have taken on their healing journey (Bushie 2005; Ross 2006; Sivell-Ferri 1997).

In the documentary film *Hollow Water*, we follow the Community Holistic Circle Healing team in working with a couple charged with the abuse of their children. We learn how the *Hollow Water* team broke the cycle of abuse in their

community by confronting both the pain and the denial inherent in intergenerational child sexual assault, as they acknowledged that 'few in the community escaped the pain of this betrayal, and for decades the community kept it hidden'. From their experience the justice system had not been able to stop the cycle of abuse, nor rehabilitate offenders who when 'punished' simply came back to the community and abused again. By working with victims alone they were dealing with only half of the problem, families also needed support, and offenders were at the core of the problem (Dickie 2000).

From the documentary, we also learn about a victimisers denial process and the time and patience required by the Community Holistic Circle Healing team in working with them and their families. The Community Holistic Circle Healing team members understand the denial process well; as team member Lloyd Bushie explained, 'perpetrators are the best manipulators, they are the best at lying and they are the best at having power and control over their victim/s'. The couple, the subject of the documentary, initially completely denied the abuse (both their abuse of their own children and the abuse they themselves had experienced as children) and made serious threats against team members who persisted with them until they admitted their guilt (that admission came 2 years into the program). We can see from this film how the victimisers were encouraged with the support of the Community Holistic Circle Healing team to understand the full extent of their actions upon their children, to have remorse for their past, and to develop a commitment to genuine healing for themselves and their family. It should be noted at the time the couple were undergoing treatment through the Community Holistic Circle Healing process, their children were removed from their care and were not re-united with their family in the family home for several years; supervised visitation between the parents and the children did take place. The children also underwent healing and counselling within the program and par-

ticipated in the sentencing and cleansing ceremonies. It is clear from this documentary that the Community Holistic Circle Healing team believes that victimisers who can admit to their guilt and who take responsibility for their own healing deserve respect (Dickie 2000). This process also recognises that there are limits on offenders' desires to repair the harm they have caused and that a sincere apology at any time is difficult to achieve. The team recognises that it takes time (often several years), patience and perseverance to achieve the desired goals of the program – and in many ways it is their commitment to the desired goals that sets the Community Holistic Circle Healing process apart from restorative justice processes where 'time' is constrained.

Fundamentally the Community Holistic Circle Healing process 'lives within' and is guided by the Anishnabe sacred teachings, the seven sacred teachings given by the Creator for Aboriginal people to follow. These are honesty, strength, respect, caring, sharing, wisdom and humility (Sivell-Ferri 1997: 129, 185). This means that the team members own personal healing is also 'foundational, extensive and inclusive' and authenticity in both personal and public life is essential (Ross 2005: 17). In working with victims and victimisers the Community Holistic Circle Healing team uses a combination of traditional methods including prayer, the smudging sweatlodge ceremony and traditional herbal medicines (Ross 2005: 17). Members believe that their work is part of a spiritual process and they have great belief and trust that given time, healing can and will take place within the circle because it is 'Creator-centred' (Ross 2005: 17, 25). According to the traditional culture, the circle was 'a sacred place where everyone was equal' and in the sacred healing circle victimisers are able to learn about being honest about themselves, their abuse, the impact on their victims and the broader kin network (Ross 2005: 17).

The Community Holistic Circle Healing model is holistic healing aimed at healing victims,



victimisers, families and the intergenerational trauma within their community stemming from policies and practices of colonisation, dispossession and cultural dislocation, dislocation from families and experiences of abuse in residential schools. The Community Holistic Circle Healing model also engages with factors that contribute to distress in day-to-day living such as unemployment, racism, addictions and health issues. Research has shown that the core values by which the Community Holistic Circle Healing operates (and the sacred teachings at the heart of the process) have become integrated into the community and that the community's own healing journey to achieve full balance or *P'madaziwin* – spiritual, emotional, physical and mental well-being – has improved significantly since the establishment of the Community Holistic Circle Healing model. This is being reflected in various ways – happier children and better parenting, more disclosures and empowerment of victims, women feeling empowered, community actions and responsibility, respect, broadening of resources, responsiveness, openness and honesty, strengthening of traditions, harm reduction, and violence being controlled (Ross 2006: 51–65). Without the Community Holistic Circle Healing model and process, community members said they felt that there would be 'utter chaos', 'It would become silent again', 'The communities would fall apart. Suicides would be common. Many people would deny they need help' (Ross 2006: 61).

### FORMAL EVALUATION OUTCOMES

The Community Holistic Circle Healing model was formally evaluated in 2001 by Couture et al. That evaluation documented the model and its processes; it also publicly acknowledged that one of the key successes of the Community Holistic Circle Healing model and processes was reflected in the remarkably low recidivism rate of offenders who had participated in the program. They reported that of the 107 offenders who had partici-

pated in the program since its inception, only two have recidivated (Dickson-Gilmore & La Prairie 2005: 176). Criminologists Dickson-Gilmore and La Prairie noted in relation to standard criminal justice processing, that recidivism is approximately 13% higher than for Hollow Water participants, and that 'it is important to acknowledge that the Community Holistic Circle Healing reported rate of success with offenders is nothing short of spectacular' and certainly eclipsing that of mainstream non-Indigenous approaches (Dickson-Gilmore & La Prairie 2005: 176).

Another significant finding was the cost saving involved in offenders participating in the Community Holistic Circle Healing model and processes as opposed to being managed through the criminal justice system. The Community Holistic Circle Healing model and processes are funded by provincial and federal government grants to the value of \$240,000 per year – over a 10-year period this equates to \$2.4 million. For the same services, a conservative estimate for 10 years of government run services would be between \$6,212,732 and \$15,901,885.<sup>1</sup> These figures include amounts to house the offender in an appropriate prison according to the scale of their crimes. While the financial saving is clearly significant, so too is the community development and healing effect of the Community Holistic Circle Healing process for all those involved including the victim, the perpetrator, the broader kin network and the service sector (Couture et al 2001: 4).

Through the evaluation described and other significant writings about Hollow Water, it is now understood that the Community Holistic Circle Healing team succeeds because of their deep, intuitive understanding of their community and its needs, and through their respectful approach grounded in traditional Ojibwa teachings. Ironically, the team must also be adept at understanding the bureaucratic machinations for the very systems that caused so much of the commu-

1. Canadian dollars.

nity's dysfunction in the first place (Sivell-Ferri 1997: 133)

Hollow Water appears to be a truly local, grassroots effort by the community to respond to the very high rates of abuse and dysfunction characterising their families, as opposed to a 'parachute program' developed externally and imposed on the community by outside elites. These roots, claimed but not often realised in many community restorative justice projects, are important, as they may well render Hollow Water the closest thing to a true community justice project to date. The potential to learn from their experience is great (Dickson-Gilmore & La Prairie 2005: 155).

Another important reflection on the Community Holistic Circle Healing model has been that it was developed by community members who are themselves victim survivors of child sexual assault (some members are also former perpetrators who have successfully completed the program), and the success of the process is considered to be founded directly on the team member's own personal knowledge and healing from sexual assault. According to Rupert Ross, a former Canadian Crown prosecutor, it is this personal and very real understanding of the emotional, mental, physical and spiritual complexities of sexual abuse that gives the team 'an extraordinary rapport' with victims and victimizers alike (Ross 2006: 35). Through healing circles, the Community Holistic Circle Healing team members share their own histories and understandings as both victims and victimisers as they confront abusers and coax them from the anger, denial, guilt, fear, self-loathing and hurt that surround sexual assault and which must be faced (Ross 2006: 35). They also work closely with victims to assure them that the abuse was not their fault, to support their family in coming to terms with the abuse, to being able to directly confront and face their abusers, and to work towards healing from the harm caused by sexual assault.

Specifically, Ross stated that the team engages in a process of 'building up' the victim who has been harmed, and 'stripping down' the victimiser

to redress the imbalance caused by sexual assault (Ross 2006: 189). Within the circle process they speak directly to the victim, to make them understand that the abuse was not their fault, to praise them for their courage in bringing it out into the open, to acknowledge their pain and celebrate their courage (Sivell-Ferri 1997: 176). As Berma Bushie explained, they are battling the generational silence, the generational blaming of the victim and the circle celebrates them for disclosing. 'If it hadn't been for them disclosing their parents would still be in denial or their victimisers would still be in denial. So it's very much their courage that is celebrated that day' (Sivell-Ferri 1997: 176).

Berma Bushie also explained that for the team involved in this important work:

It's an exhausting process ... Seven workers paid 352 home visits in 1 year. The circles involved so many people, sometimes it can take 10 to 12 hours to complete them. One disclosure may bring out a history of sexual abuse that involves many members of an extended family. In one year alone, 282 circles were held. The pay for Community Holistic Circle Healing workers is about \$30k a year, but they keep at it because the benefits for community are so tangible. (Wadden 2006: 1)

The Community Holistic Circle Healing model and process, as was indicated earlier, receives approximately \$240,000 in funding, from the federal and provincial justice departments. This funding provides for staff salaries, but that is about all. The team operates out of a split-level house where quarters are very cramped. There is a large room set up with sewing machines and a table for scrapbooking projects and quilting, some of the therapeutic activities. Circles used to be held in the basement, but frequent flooding has made the space unstable. Yet despite these significant challenges the model and its processes continue. They also continue to plan for the future including the establishment of a Healing

Lodge, a centre with resident teachers and healers that work with individuals and whole families through their healing process. Linked to the Healing Lodge would be a comprehensive training and community development process aimed at building the capacity of people to build healthy, prosperous lives. A key aspect of the training and healing work would focus on building the capacity of women to assume their rightful roles as promoters and guardians of the public good. Also linked to the Healing Lodge would be a systematic outreach process for other communities in the region in the form of training and technical support should they wish to replicate the model in their settings (Wadden 2006).

### **CRITICAL REFLECTIONS ON THE HOLLOW WATER COMMUNITY HOLISTIC CIRCLE HEALING MODEL**

As Australian Indigenous people beginning the important task of considering the development of our own models of addressing child sexual assault, while paying appropriate recognition to the many positive reports on Hollow Water, we should also consider the concerns that have been expressed with respect to Hollow Water. For example, Professor Emma la Rocque (1997) argued that models such as Community Holistic Circle Healing are oriented towards offenders; they promote leniency for the offender who is treated as a 'victim'; they pressure victims to 'forgive' and are detrimental to victims overall well-being. La Rocque argued that although healing circles are said to be based on Aboriginal tradition, the models appear to have been influenced instead by Christian and new age concepts and are not consistent with Aboriginal tradition or culture where the punishment for sexual assault was very severe. La Rocque warned that 'healing' cannot be the sole means of dealing with violent

sexual offenders and we should take an uncompromising stand against sexual violence:

In the hasty quest for something different than what has been, we seem to have increased the risk of abandoning victims of violence. And in the drive for self-determination, we risk using victims of assault as test cases for alternative models. (La Rocque 1997: 93)

Notwithstanding her critique of Hollow Water, La Rocque still believes that measures based on tradition and healing may be adopted. For example, Native practices, elders and therapies may be adopted within an alternative rehabilitative institution established to protect victims and restrict offender movement. Such an institution may combine historical, cultural education and consciousness raising on the nature and devastating effects of colonisation and sexual violence, as well as adopting modern therapies.<sup>2</sup>

La Rocque's criticisms of Hollow Water are somewhat supported by a 1996 study of the Community Holistic Circle Healing process that found that only 28% of victims viewed the Hollow Water sentencing circle process as a positive experience, as compared to 72% of offenders (Dickson-Gilmore & La Prairie 2005: 196). According to this survey, victims reported feeling that they received less help than they needed, and participated in fewer processes than offenders. While they appreciated that the Community Holistic Circle Healing model and processes gave them a place to report victimisation, they felt they needed more ongoing help than what was provided. Victims also had concerns that offenders were not dealt with appropriately by the Community Holistic Circle Healing process, and nearly one third of victims (34%) said that the community was usually not supportive of them

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2. La Rocques (1997) suggestion appears consistent with the establishment of Healing Lodges throughout Canada in conjunction with Corrections Canada and incorporating traditional practices and culture in order to achieve rehabilitation and healing for offenders. See further McGlade and Hovane (2007).

after going through the program (Dickson-Gilmore & La Prairie 2005: 197).

A further issue of concern identified by the Canadian criminologist Carol La Prairie is the possibility of interference by powerful members of the community, and of bias negatively impacting on victims (Dickson-Gilmore & La Prairie 2005: 186). Well-entrenched, asymmetrical and dysfunctional power relations existing in Aboriginal communities may be replicated and reinforced within healing processes and models with the possibility of victims and participants being reluctant to participate in a circle dominated by high-profile community members who may be more concerned for the wellbeing of perpetrators than that of the victim (Dickson-Gilmore & La Prairie 2005: 196).

In a 2001 report by the Canadian Aboriginal Women's Action Network (AWAN), participants in five British Columbia communities expressed tremendous concern that the adoption of Aboriginal restorative justice measures would result in a particular focus on support for the offender at the cost of appropriate ongoing recognition and support for the victim (Stewart, Huntley & Blaney 2001: 39). The AWAN felt that Aboriginal justice measures were being based on a premise that presupposes a healed community, and yet a radical transformation of existing structures of gendered domination within Aboriginal communities had not yet happened. Women feared that the restorative justice reforms would fail to address the underlying power inequity that was rife in communities from years of oppression (Stewart et al 2001: 39). The silencing of victims and normalisation of violence in communities was regarded as a serious issue, as was sexual harassment, nepotism and discrimination (Stewart et al 2001: 45). Participants were concerned that 'unhealthy elders' (with a past history of abuse) were frequently engaged in leadership roles and activities such as healing circles and spiritual ceremonies (Stewart et al 2001: 53). It was felt that there needed to be more learning around the actual dynamics of sexual abuse before restorative justice or alternative

forms of Aboriginal justice were used (Stewart et al 2001: 56). At the same time as the concerns were expressed, it was still considered that Aboriginal justice reforms had the potential to address Aboriginal crime in a way that the existing justice system did not (Stewart et al 2001: 41).

Similar concerns were discussed by Anne McGillvray and Brenda Comaskey (1999) in their book *Black Eyes All of the Time: Intimate Violence, Aboriginal Women and the Justice System*, with Aboriginal women victims of violence rejecting alternative Aboriginal justice measures, unless they could be seen to visibly punish offenders and offer some protection to victims (McGillvray & Comaskey 1999:31,199). There needed to be reliable indicators of successful treatment of perpetrators that also guaranteed the safety of victims at least for the duration of treatment. The authors also concluded that concerns about political interference, lack of fair hearing for the victim, and lack of protection resulted in a generally negative response to the diversion of violent offenders.

## CONCLUDING COMMENTS

In acknowledging the concerns raised about Aboriginal justice measures it must be remembered that within the mainstream criminal justice system sexual assault victims, including children, overwhelmingly report their experience as negative and traumatic. Hollow Water's response to child sexual assault significantly recognises and seeks to respond to the problems associated with the criminal justice system that have been articulated by international trauma expert Dr Judith Hermann: 'An adversarial legal system is of necessity a hostile environment; it is organised as a battlefield in which strategies of aggressive argument and psychological attack replace those of physical force' (Herman 1997: 100). Successive Australian studies have also shown that the human rights of sexual assault victim survivors are routinely abused within our justice system. Additionally, the experiences of Aboriginal sexual assault victims of the criminal justice system is marked by

discriminatory treatment on the grounds of both race and gender leading to a denial of justice and re-traumatisation (McGlade 2006).

Nonetheless, it is clear that concerns expressed in relation to Aboriginal Canadian justice models must still guide and inform the development of any Australian Indigenous model to address child sexual assault guided by Hollow Water's leading example. In particular, we can draw from the Canadian context to argue that the victimisation must be acknowledged with victims concerns addressed in a meaningful way, and that victim's participation in the design and delivery of the model be significant (Chartrand & McKay 2006: 54). Furthermore, we must ensure that community processes adopt precautions that also recognise the power imbalances that often exist within Indigenous communities to the detriment of women and children victims of violence (Chartrand & McKay 2006: 58). Without doubt, models such as Hollow Water provide hope that healing and justice for all those affected by violence can be achieved. It is up to us to make this a reality in the different geographic, social, cultural, political and spiritual contexts of Australian Indigenous communities.

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