



Submission to Senate Inquiry into Dowry Abuse in Australia

Prepared by
Women's Health In the North

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Women's Health In the North (WHIN) is a State Government-funded Regional women's health service.

It aims to strengthen women's health, safety and wellbeing with a strategic focus on:

- Gender Equity
- Preventing Violence against Women
- Coordination and Integration of Family Violence Response
- Sexual and Reproductive Health
- Economic Participation
- Environmental Justice

WHIN is committed to reducing gender inequities in health that arise from social, economic and environmental determinants.

Current Status of Violence against Women in Australia

Violence against women is prevalent, serious and preventable.

- **Prevalence:** One in 4 Australian women have experienced at least one incidence of violence by an intimate partner.
- **Severity:** Intimate violence contributes more to the burden of disease (illness, disability and death) of adult women (18-44 years) more than any other risk factor including smoking, obesity and alcohol.
- **Preventable:** Violence against women is a major public health issue, evidence shows that gender equality reduces violence against women.
- Violence against women comes in many forms and occurs in all socio-economic, age and cultural groups and locations in Australia.

ANROWS (2018) Violence Against Women: Accurate Use of Key Statistics

- Women's right to live free from violence is recognised in international agreements as a fundamental human right.
- Violence against women comes in many forms and occurs in all socio-economic, age and cultural groups and locations in Australia.

Violence Against Women was estimated to cost Australia \$22 billion in 2015-2016

Aust Inst of Health and Welfare

Estimates suggest that the annual cost of family violence in Victoria in 2014-2015 was approximately \$3.1 billion.

FVRC 2016

Financial Abuse

Financial abuse is one of the least recognised and understood form of violence against women. It is often experienced simultaneously with other forms of family and intimate partner violence and is the biggest cause of homelessness for women in Australia. Financial abuse is complex and played out in a myriad of ways. Financial abuse can include denying women access to money, sabotaging women's employment opportunities and secretly maintaining assets whilst forcing or coercing a partner to draw upon their own financial resources.

Like other forms of violence against women, financial abuse is the intersection of male entitlement, gender inequality, and the systematic use of power, control and fear. Accompanying this are dominant narratives about gender and money that stereotype women as financially incompetent and bad managers of money.

Financial abuse has only recently been recognised in the Australian Family Law Act 1975 [and the Family Violence Protection Act 2008 (Victoria)] yet it is a 'critical factor in the experience of violence of many women, with significant consequences for their ability to gain and maintain secure housing and to become financially secure after leaving a situation of violence'.

WHIN's longstanding and well respected work in the area of prevention of violence against women and promoting economic equality for women has led to the production of resources such as *For Love or Money* (<https://vimeo.com/112677144>) and *Love Control* (<https://youtu.be/GCP4pIKci-Q>) both of which explore the complex nature of financial abuse.

Economic Capability

It is widely acknowledged that structural discrimination means that women tend to experience greater levels of poverty, socio-economic disadvantage and increased risk of homelessness due to lower pay than men for the same work, career disruptions to care for children and other relatives, women's concentrations in lower paying industries and roles, and because they are more likely to work part time or casually due to caring responsibilities.

Furthermore, access to economic resources is a key determinant of mental health and wellbeing. Australian women retire with roughly half the superannuation of men but live, on average, five years more than men. For many women, their retirement years are marred by bleak poverty.

What is Dowry?

Dowry is defined by the Merriam -Webster dictionary as money or property that a wife or wife's family gives to her husband when the wife and husband marry in some cultures.

Dowry is an ancient custom, and its existence recorded from the Babylonian times to the 21st century. It is most common in cultures that are strongly patrilineal and that expect women to reside with or near their husband's family (patrilocality).

The start of the dowry practice was to serve one of the basic functions as a form of protection for the wife against the very real possibility of ill treatment by her husband and his family. A dowry used in this way is actually a conditional gift that is supposed to be restored to the wife or her family if the husband divorces, abuses, or commits other grave offenses against her.

Dowry can also be a form of inheritance bestowed on the daughter upon her marriage, ostensibly to provide for her financial future and security, which after marriage is at her disposal.

What is Dowry Abuse

The function of dowry given by a bride's family has been exploited to serve the greed of the groom and his family over the years. Unfortunately, dowry has played a significant adverse role in promoting emotional abuse, physical abuse, coercion, extortion, rape within marriage and deaths.

The harmful impacts of coercive dowry demands by the groom and his family are well documented in the India, China, Pakistan and the Middle East.

This harmful tradition sometimes takes the form of groom gifting cash to a father who then may engage in "selling" his daughter to the highest bidder, who tend to be usually many years her senior. Thus marriage in certain communities is sometimes conducted as a business transaction where women come to be viewed as "commodities".

These transactions the seed of gender based inequality from day one of the marriage. Irrespective of whether the dowry is given to the groom or given by the groom it is the bride who suffers emotional abuse and physical violence; either because he did not get enough dowry; or because he was aggrieved for having to give "too much dowry".

Dowry enhances patriarchy especially male dominance, gender power imbalance and inequality.

Dowry Abuse in Australia

The practice of giving and taking dowry is continuing in Australia in migrant and refugee communities. Recently a report has linked dowry with at least two deaths in Victoria in the Chinese and the Indian communities. (<https://www.heraldsun.com.au/news/law-order/dowry-link-to-murders-and-family-violence-in-victoria/news-story/65da7055d98a3eece3435076fbacff70>).

Often brides who come to Australia on temporary/provisional visas are cheated by their husbands and in-laws. The groom's education, their social-status, their employment details in Australia are often falsified or exaggerated to strengthen their claim for a higher dowry amount. Grooms with Australian permanent residency or citizenship are highly priced and as such claim exorbitant dowries which are often included within lavish wedding ceremonies.

Anecdotally Australian permanent residency status is often used as a bargaining tool to negotiate a higher dowry price where the marriage is arranged between Australian and non-Australian residents.

Evidence that the custom of dowry is being practiced in Australia was supported in a number of submissions to the Victorian Royal Commission into Family Violence. These submissions were prepared by the Victorian Women's Legal Service, InTouch Multicultural Centre against Family Violence and the Australasian Centre for Human Right and Health.

Page 113 of Volume 5 of the Family Violence Royal Commission states "*The Australasian Centre for Human Rights and Health submitted that dowry plays a significant adverse role in leading to*

emotional and physical abuse and has harmful impacts on mental health. The Centre highlighted a greater need for awareness and education and called for Family Violence protection act to be amended to include dowry as an example of financial abuse and to make giving and taking of dowry illegal.”

The system of dowry has been recognised as a human rights abuse by the United Nations. Despite being outlawed in India in 1961, dowry abuse resulted in more than 7,000 deaths in 2016, according to the Indian National Crime Bureau.

The Australasian Centre for Human Rights and Health broke the silence and against the wishes of certain sections of the community it commenced an anti-dowry petition in 2013 which has been signed by more than 500 members of the Indian community. This petition seeks to have dowry recognised as economic abuse in the Victorian Family Violence Legislation (2008).

The Victorian Royal Commission into Family Violence recommended that ‘The Victorian Government amend section 6 of the Family Violence Protection Act 2008 (Vic) to expand the statutory examples of family violence to include forced marriage and dowry-related abuse.

As a result the Anti-Dowry Bill Passed Parliament on 6th August 2018 (Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. The definition of dowry abuse in Victorian law will be as follows- using coercion, threats, physical abuse or emotional or psychological abuse to demand or receive dowry, either before or after a marriage.

Future Work

While the Anti-Dowry Bill has passed in the Victorian Parliament, there is still a lot to be done. The Federal Government must investigate the role of dowry in visas granted to brides who have married grooms who hold Australian Permanent Residency and/or Citizenship.

The message that dowry practices are un-acceptable in Australia, irrespective of any culture must be disseminated to communities in culturally accessible ways.

Dowry is a cultural blind spot with many migrant and refugee communities. The silence on this issue must be broken. Prevention activities that focus on social/cultural education and that are delivered through the grass roots community organisations must be funded and supported by government.

Family violence services, health and community service providers require education and training about dowry practices and the relationship to violence against women.

A thorough understanding of the link between financial abuse and dowry abuse needs to be developed

Australian and international research concludes that to prevent violence against women before it occurs we must take action to increase gender equity and challenge rigidly defined gender roles and identities. The use of dowry reinforces these inequities and roles.