

## Submission to the Senate Legal and Constitutional Affairs References Committee

Inquiry into the practice of dowry and the incidence of dowry abuse in Australia

August 2018

advocating for  
equitable access to  
services

## Royal Australian and New Zealand College of Psychiatrists

### Inquiry into the practice of dowry and the incidence of dowry abuse in Australia

#### About the Royal Australian and New Zealand College of Psychiatrists

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) is a membership organisation that prepares doctors to be medical specialists in the field of psychiatry, supports and enhances clinical practice, advocates for people affected by mental illness and advises government on mental health care. The RANZCP is the peak body representing psychiatrists in Australia and New Zealand and as a bi-national college has strong ties with associations in the Asia-Pacific region.

The RANZCP represents over 6000 qualified psychiatrists in Australia and New Zealand. Psychiatrists are clinical leaders in the provision of mental health care and use a range of evidence-based treatments to support a person in their journey to recovery. Many RANZCP members have specific interest and knowledge relevant to this inquiry. We have consulted widely in developing this submission, obtaining feedback from the Family Violence Psychiatry Network, and the Section of Social and Cultural Psychiatry.

#### Summary

The RANZCP is pleased to provide this submission to the Senate Legal and Constitutional Affairs References Committee regarding the practice of dowry and the incidence of dowry abuse in Australia. It is important that the Federal Government prioritises physical and emotional safety along with positive mental health in all Australian communities, while reducing the incidence of family violence including financial abuse and control. Of particular concern is dowry abuse, and its impacts on women, children and families. Dowry abuse represents a complex form of abuse which is linked to culture and can be associated with other forms of family violence. Key issues discussed in this submission include:

- The importance of clinical skills among mental health and other professionals in understanding/assessing family violence, including dowry abuse.
- The mental health impacts of dowry abuse.
- The provision of trauma-informed and culturally safe care for culturally and linguistically diverse (CALD) women.
- The adequacy of current policy and legislative settings in Australia to deal with dowry abuse.

Content for this submission has been shaped around the areas identified in the Inquiry's Terms of Reference. The RANZCP has provided four recommendations below to better manage the negative impacts of dowry abuse in Australian communities.

#### Recommendations

The RANZCP recommends that:

- More training and support be made available to build health professionals' knowledge in:
  - Understanding and assessing family violence, acknowledging that rarely does one form of family violence occur in isolation of others, including dowry abuse, and that dowry abuse may be a marker of a complex negative family dynamic, or possibly intergenerational/cultural origins.

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- Providing trauma-informed and culturally competent care when working with CALD women who may have experienced dowry abuse.
- The importance of referrals and adequate safety and support mechanisms in relation to assessing abuse or family violence.
- Greater funding be directed towards research in Australia exploring the links between mental ill health, suicide, gender inequality, patriarchal systems and family violence.
- Federal, State and Territory governments should review current legislation to ensure that it is appropriately targeted towards preventing dowry abuse in Australia, including consideration of the benefits of making dowry illegal.
- Accurate reporting and collecting of data at a Federal, State and Territory level, so interventions and support can be targeted to where they are most needed.

#### **The nature of dowry in Australia**

Dowry is defined as money or property that an individual or individual's family gives to their husband/wife before or during the marriage. Requests for dowry may occur before the marriage takes place or at any point throughout the duration of the marriage. Dowry practices are predominantly seen in Indian sub-continent and some African countries. Different countries have banned dowries but the practices still continue illegally. India banned dowry under the Dowry Prohibition Act 1961 but the practices still occur, including when families seek money/dowry for migrant brides to Australia. Dowry predominantly includes money/gifts from the woman's family to the man's family, although the reverse can also occur. For the purpose of this submission, we would like to focus mainly on the impact of dowry abuse for women.

While not every dowry transaction ends in abuse, research indicates that this is a practice that may encourage gender inequality and may provide a platform on which emotional, financial and physical abuse is based (Abramsky et al., 2011; O'Connor, 2017). The presence of dowry in marriage arrangements can be coercive, and can diminish the role of women as an engaged and informed participant. This perspective is concerning, particularly considering that unequal distribution of power and resources between men and women can play a significant part in intimate partner violence (VicHealth, 2005). Unfortunately very few statistics are available that provide further information on the nature of dowry in Australia and the demographics of the issue. RANZCP members have suggested that this issue may vary significantly between jurisdictions; however, more reliable statistics are required to build an accurate picture of dowry in Australia.

#### **Dowry abuse and mental health in Australia**

The practice of dowry can have concerning consequences for the parties involved, in some cases leading to dowry abuse, which is a specific form of financial abuse that can occur for individuals from cultures that follow these practices. Dowry abuse can occur in the form of coercive demands for additional payments from the bride or her family after the marriage, accompanied in some cases by physical and emotional violence; or demands for dowry return if the marriage ends. Unfortunately, there are little to no reliable statistics available on dowry or dowry abuse in Australia.

Research has drawn attention to the mental health impact of coercive practice of dowry demands, and the potential association with domestic violence (Abramsky et al., 2011; O'Connor, 2017). Violence against women, including domestic abuse, can have severe impacts on the mental health of the victim,

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and is associated with post-traumatic stress disorder (PTSD), major depressive illness, anxiety disorders and suicidal behaviours (World Health Organisation, 2013; Oram, Khalifeh, Howard, 2016).

Reports indicate that these issues may be exacerbated for CALD women, particularly those who are new migrants to Australia, as they face a number of barriers to seeking help (InTouch, 2010). These barriers may include language barriers (as translators may not be used or available in all situations), as well as a lack of awareness of where to go for help, what services are available and what their rights are in Australian society. A reluctance to report family violence may reflect their feelings of fear or shame, fear of isolation among their cultural community, or possibly a failure on the part of the victim to recognise that what she is experiencing is a crime in Australia.

It is important to consider that families, carers and children can also experience the hardships of dowry abuse in an indirect or direct manner, and these groups will also require support to understand and overcome the trauma of seeing their loved one abused. There should be appropriate and well-funded support services for families, carers and children of consumers who have been exposed to dowry abuse. Dowry abuse has been acknowledged as an example of family violence in Victorian legislation in the *Family Violence Protection Act 2008*. This amendment was passed by the Victorian Parliament in 2018, and the RANZCP encourages other States and Territories to consider amending their relevant legislation similarly.

Research into the prevalence of dowry abuse and the interconnectedness of societal structures, gender inequality, mental health, and family violence will provide an evidence base on which to build future interventions and policies in this area. It will also ensure that future policies and resources are targeted to groups that require the most support.

### **Adequacy of current Australian policy settings and legal frameworks**

#### *The role of psychiatry*

Psychiatrists have a key role to play in providing mental health care and treatment for people with lived experience of domestic abuse, including dowry abuse. As discussed in RANZCP [Position Statement 96: The relevance of religion and spirituality to psychiatric practice](#), the RANZCP encourages its members to be knowledgeable about a wide range of religious and spiritual beliefs and consider them within the context of assessment and treatment. The RANZCP provides a number of [online resources](#) relating to cultural competency and responsiveness, which psychiatrists and other mental health professionals may use. This includes learning modules on cultural competency, cultural psychiatry, cross-cultural research and diversity training.

The RANZCP encourages professionals in this space to display cultural sensitivity, engage interpreters when necessary, and ensure that they do not engage in cultural stereotyping. The RANZCP [Code of Ethics](#) states that psychiatrists shall respect cultural factors in caring for patients and enlist the assistance of interpreters and/or cultural liaison colleagues where appropriate and feasible. Cultural consultation should be considered in certain cases, including where an interpreter may have concerns due to cultural nuances.

In addition to these resources, health professionals in this space should be encouraged and trained to take a trauma-informed approach to care, noting that the failure to provide trauma-informed care (TIC) may exacerbate mental and physical health issues for consumers. A key principle of TIC is listening to the individual's story in a respectful way while exercising care not to compound the trauma.

Psychiatrists, as specialist mental health professionals, have substantial knowledge of trauma and the

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impacts it can have on mental health care, and would be well placed to provide input to the design of training and support in this area.

#### *Culturally and Linguistically Diverse (CALD) care*

CALD women may face a number of barriers to recognising the abuse, understanding its impact and accessing help from Australian systems of support, whether it be for dowry abuse, other forms of domestic abuse, or mental health issues. These barriers may include feelings of shame and failure, fear of retribution, cultural and social isolation, language barriers (as translators may not be used or available in all situations), as well as a lack of awareness of where to go for help, what services are available and what their rights are in Australian society. In addition, overt and sometimes insidious pressure from within community and other social networks to maintain the family unit may encourage women to remain within abusive situations.

It is important also to consider the immigration status vulnerability of women subject to dowry abuse, and that the withdrawal of support for a spousal visa is a substantial threat for women in this position. Australian governments should ensure that programs intending to support and assist CALD women encourage people from different cultures to take the lead, including co-design of these programs with CALD women.

#### *Training in cultural understanding and assessment of abuse*

Dowry abuse is one aspect of a complex problem of family violence that intersects with a range of other issues and adversities that cross age, cultural, socioeconomic and intergenerational dimensions. It is imperative that clinical assessments and treatments take into account the whole person and that the professional relationship with victims be non-judgmental and supportive of individual agency and autonomy to determine the help they need in partnership with the treating psychiatrist and other professionals.

To further the understanding of dowry abuse and support for victims, the RANZCP encourages the development and implementation of training for service providers, health professionals, family law professionals and the police to enhance cultural competence. Without an understanding of the cultural factors at play, some professionals may find it difficult to engage with those who have suffered or perpetuated dowry abuse.

#### *Legal and court practice and processes*

The RANZCP also notes that court processes can be re-traumatising experiences for some people, including those living with mental illness and for many, entering a courtroom can be a stressful experience. As a result, it is important to offer skilled, trusted and meaningful support to people with mental illness in need of family law services. This may be useful for a number of purposes including assisting individuals to provide evidence, follow legal processes, and read and respond to statements with legalistic language and potentially distressing content. The RANZCP supports practice and processes which protect victims from further trauma or harm in the Australian legal system, particularly when dealing with the outcomes of domestic abuse. Psychiatrists, as specialist mental health professionals, would be well placed to provide input to the design of training and support in this area.

#### *Legislation*

The RANZCP believes that Federal, State and Territory governments should review current legislation with the purpose of preventing dowry abuse in Australia. This may involve making the giving or taking of dowry, and coercive demands for dowry illegal in Australia, an option which should be considered in line with other preventative measures. The RANZCP also believes that changes should be made to current

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Family Law legislation to reflect the negative outcomes of dowry abuse, and to better support those who have suffered from dowry abuse or related issues. As part of improving measures dealing with dowry in Australia, all governments should consider amending legislation to recognise and take into account dowry or dowry-like gifts in divorce proceedings as being separate to the pooled family wealth. Prevention strategies should include community education and information about new laws provided to the migrants at port of departure.

#### *Data collection*

In addition, accurate data collection systems should be established on a State and Territory basis, as well as nationally, to record the prevalence of dowry and dowry abuse in Australia. This will help to provide greater visibility of the issue of dowry abuse in Australia, and can feed into the development of programs to support those who have been subjected to dowry abuse.

A central repository of data on dowry abuse could be informed by data from support services (including NGOs and government services) and the law and justice system. However, in order to do so it would need to be appropriately funded and supported. This measure would require a whole-of-government approach, and should align with the Australian Bureau of Statistics Standards for Statistics for Cultural and Language Diversity (Minas et al., 2013). These Standards identify, define and classify particular attributes that relate to those from a cultural and linguistic background.

Improved data collection systems may take a similar form to the Victorian Family Violence Data Portal that was recently established by the Victorian Crime Statistics Agency. Careful consideration would need to be given to ensuring data collection is robust, resulting in evidence on which programs and support can be based.

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