



Prevention and early intervention of family domestic sexual violence in culturally and linguistically diverse communities



Statement of Recognition

The AustrAlasian Centre for Human Rights and Health acknowledges the Traditional Custodians of the lands and waters throughout Australia, and acknowledge their continuing relationship to land and the ongoing living cultures of Aboriginal and Torres Strait Islander.

About us

The AustrAlasian Centre for Human Rights and Health (ACHRH) was established in 2012 to create a happy and harmonious society and family life by addressing contemporary issues facing women, girls and families of South Asian and migrant backgrounds .

ACHRH primarily operates in Australia, and to smaller extent in India . It was founded in 2012 and is the only South Asian NGO in Victoria that is a Think Tank, engages in action research and uses evidence based advocacy and prevention activities in a bid to attain its vision -to create an equitable and harmonious society. ACHRH aim is to mobilize the Australian -South Asian community on behalf of those who are victims of family violence, dowry abuse, abandoned brides suffering mental health harm, excluded, isolated and new to the country. In the past 9 years ACHRH has partnered with community organisations and peak bodies, been funded by local, state and federal governments and worked with universities and professional medical bodies to create programs and workshops that would specifically prevent family violence in the South Asian families .

The most significant change brought about by ACHRH is evidence based public campaign against dowry abuse in Victoria starting in 2013 with a petition to include dowry abuse in the Victorian Family Violence Protection Act. It became law in Victoria in March 2019 . ACHRH campaign triggered National Senate Hearing into Dowry Abuse in 2018 . ACHRH played a key role in advising the Senate in setting up the Senate Hearing, made a submission, provided a number of survivor of dowry abuse and Dr Manjula O'Connor appeared on behalf of ACHRH before the inquiry to give evidence. ACHRH made input into the 4th National Plan. The 4th National Plan against violence against women that now includes dowry abuse as an example of complex forms of family violence. ACHRH in partnership with Harmony Alliance has been funded by the Federal Government to mount a Nationwide survey and education into dowry abuse program over the next A central part of our purpose is to support the hybrid identities of migrants through research, policy development and advocacy activities.

2015-16 ACHRH conducted a community participatory theater project "Natak Vihar" funded by Victorian Government with the aim to involve the South Asian community members to explore culturally responsive solutions to dowry abuse and family violence. The videotape is available on www.achrh.org

-2014-2020 Mutual Relational Respect(previously called Mutual Cultural Respect) has been successively funded by the Federal Government and delivered to more than 700 people. The



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program has been delivered in outreach locations across of all of Greater Melbourne, and evaluated. MRR evaluation Report can be found on www.achrh.org .

-Another program titled “United We Stand “ is a video resource , and explores the family dynamics and wealth management . It was funded by the Victorian Government in 2017-2018 . It was developed by ACHRH in conjunction with Indian and broader South Asian Community. Can be found on www.achrh.org.

-Project HOPE is train the trainer program and funded by Victorian Government 2018-2020

Acknowledgements

We thank the South Asian communities, the women who have lived experience, and the men who have shared their knowledge and wisdom and which we have referenced in this submission. We also thank health professional body the Overseas Medical Graduates Association who support the activities of ACHRH and share their practice wisdom with us. We also thank all the agencies who work with ACHRH.

FOREWORD

ACHRH is grateful for opportunity to present this submission

“ Prevention and early intervention of family domestic sexual violence(FDSV) in culturally and linguistically diverse communities”

This submission addresses the following terms of reference

1. The prevention of family violence in CALD communities
2. Early intervention to identify and protect those at risk of family violence and prevent the escalation of violence in CALD communities
3. Dowry abuse and laws needed to support victims of FDSV and measures to address the emotional and mental trauma on victims

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Introduction

Australia is a multicultural country and celebrates the glory of its diversity. There is a dynamic interaction between cultural diversity and Australian milieu. This interaction on occasions can throw up cultural issues that add to disadvantages and barriers, causing problems for residents, recognised by the term intersectionality. One such example is the issue of dowry demands, expectations of substantial cash, or other gifts which are multiple times the annual income of the bride or the groom's family leading to domestic violence, suicide and depressive illness affects young Australian Indian women who are newlyweds. This has become apparent in clinical cases seen in one Psychiatric Practice where victims of domestic violence from Indian Subcontinent and South Asia are treated (M O'Connor 2013, personal communication) and by observations of ACHRH supporting network of women from Indian and South Asian community carried out in the past 9 years.

There are multiple challenges within the FDSV service systems, rising rates of FDSV demand that prevention is paid more attention in this group of people. In addition laws and police and legal and justice services are fine tuned to be more culturally relevant. Culturally embedding such services by hiring and, seeking the opinions and participation of CALD experts and leaders. FDSV is associated with significant mental health harm and suicidality. Trauma informed approaches need to be adopted to prevent further traumatisation of the individuals who have been victims of abuse in the past or currently. A significant and guaranteed long-term investment, and commitment to continuous evaluation and improvement, and data collection is needed.

PREVENTION OF FDSV

This submission presents a case for preventing violence before it occurs by supporting migrants, refugees and asylum seekers at various stages of their settlement in Australia¹.

The migration experience brings with it a complex combination of losses and opportunities. The migrants leave their homeland, family and friends, traditions and culture. Migrants arriving in Australia can be isolated, disengaged, language making them vulnerable to domestic violence. Yet there are few opportunities for migrants to learn about the new cultural system they are entering, or more particularly explore deeper understanding of social norms and notions of gender equality.

Support for migrants arriving in to Australia, from different cultural and linguistic backgrounds is essential to settle well into their new country. Conversely the lack of societal systems support disadvantages the comparatively vulnerable and disempowered migrants, and causes unnecessary suffering due for example to lack of knowledge of local domestic violence laws, or sexual assault

¹ VicHealth (2007), Preventing Violence Before It Occurs: a Framework and Background Paper to Guide the Primary Prevention of Violence Against Women in Victoria, Melbourne: Victorian Health Promotion Foundation.



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Laws. Australian Government Settlement programs focus on integration and social cohesion , and migrants are required to sign an Australian Values Statement, acknowledging that they will respect Australian values and obey the laws of Australia during their stay². But the process of settlement in to a new country is also deeply personal and psychological. Among many issues they face are incorporation into new culture. The challenges of acceptance into a new culture is an arduous one for “visible” migrants. This process affects the inner world of the migrant, influencing their sense of self and their identity formation process. This is the process of formation of a hybrid identity. Although identity formation is a process that occurs throughout one’s life , migration makes it more intense . The hybrid identity during migration can be strengthened with support, or it can be weakened and may produce a sense of alienation . Migrant Settlement Services offer considerable support to migrants in Australia, and that supports hybrid identity. Australian Government ‘s department of Human Services Settlement Services notes “Settlement grants provide support for humanitarian entrants and other eligible migrants in their first five years of life in Australia, with a focus on fostering social and economic participation, personal well-being, independence and community connectedness”. However migrants are required to incorporate multiple norms, values and expectations. This is the time to provide understanding and knowledge around gender based healthy and unhealthy relations and related laws in the Australian context. Such programs will enhance Federal Australian Government ‘s goals of primary prevention as laid out in the 4th National Plan³.

ACHRH has developed primary prevention programs strongly based on the evidence that cultural traditions actually have an in-built sanction against violence . For example there is evidence that ‘deeply rooted’ tradition like FGM can be changed after migration from high- to low-prevalent countries.⁴ But change in child rearing practices for adolescent girls for example is harder. Parents need training and education into the stress caused by migration and possible ways to adapt to change⁵. It is possible through utilising the conflict for men who, on the one hand, are expected to act out the script of accepted manhood and display their dominance and power over their wives, sometimes with violence and, on the other, are willing to adopt the alternative socially expected model of a man who is respectful self-controlled and chooses non-violent means of conflict resolution. The program described in the Box below titled Mutual Relational Respect or MRR aims to understand and strengthen the same to support the prevention of violence⁶.

² Parliament of Australia . Research Paper no. 29 2008–09. Harriet Spinks Australia's settlement services for migrants and refugees.

³ Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022, www.dss.gov.au › fourth-action-plan-2019-2022

⁴ Cultural change after migration: Circumcision of girls in Western migrant communities. <https://doi.org/10.1016/j.bpobgyn.2015.10.012>

⁵ Adolescent females between tradition and modernity: gender role socialization in South Asian immigrant culture. *Journal of Adolescence* . <https://doi.org/10.1006/jado.2000.0348>

⁶ AustralAsian Centre for Human Rights and Health . Mutual Relational Respect Evaluation Report. www.achrh.org



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Mutual Relational Respect(MRR) funded by DSS since 2016 is based on award winning program Mutual Cultural Respect(MCR) . MCR was first funded by DSS in 2014. MCR raises awareness culture contexts around gender based relationships and laws , and MRR is geared towards prevention of DFSV and attitude change. They both utilises case based discussions to bring about self-reflection, sharing, analysis of loss inherent in migration versus benefit and change brought about by the migration experience . Adult based learning in interactive workshops can facilitate exploration of differences in cultural practices for example gender relationships in a society that permits women to be free and mx with the opposite sex , and child rearing practices, especially parenting girls versus boys, and how to prevent misunderstanding gender based friendliness as sexual and so on . The migrant compares the given scenarios to their own home country and new learning can occur in supportive environment .

For many Australian systems are seen as “too generous and biased in favour of women”, gives rise to backlash and strengthening of patriarchal attitudes, coercive and controlling behaviours and violence . Learning experiences provided by MRR can influence migrants as they better understand the Australian cultural context , laws , how policing and justice system works and support services in the context of DFSV. The evaluation report on Mutual Relation Respect(MRR) program has shown the effectiveness of the program to change attitudes towards greater gender equality and increase knowledge around various forms of violence .

Recommendation 1 - Prevention of family violence in adult based learning settings be made available to all migrants in culturally safe manner as part of Migrant Settlement Services .

Recommendation 2- Enlarge the primary prevention and early intervention approaches to end family violence. Extensive consultations with diverse communities, to embed intersectional and culturally safe approaches targeting all age groups.

Our deep contacts within the migrant communities reveals that many men feel unsupported by the Governments. The programs are seen as “too generous and biased in favour of women” . Men’s Behaviour Change Programs (MBCP) are seen as punitive and often lead to backlash once the program finishes

One married woman who obtained protection orders against her husband 3 years ago , and took to cohabitation with him in what was seemingly a more peaceful home. He left the home suddenly a year after. She was shocked when he told her the reason for wanting divorce years after the IVO was issued. He told her of his anger and social shame that was too intense . He had attended MBCP for 12 months –(2 hours-3hours per week). He stopped violence but his behaviour remained dominating and demanding.

Majority of men are not violent . A broad based societal approach that does not directly talk to the prevention of violence but is generally supportive and leads to discussions on family matters may be a better strategy to avoid patriarchal backlash. This is being tried in Indigenous community with success. Programs like the Camp bushfire side chats for Indigenous men for example “Camping on Country | A Men’s Movement” , and “Dardi Munwurro: Indigenous Leadership Training & Coaching”



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are a useful model for men of CALD Communities. Chats would explore the stress of migration, family and societal values. ACHRH has prepared such a program for men and families named “Champions of Change” and is available on request.

Recommendation 3- Fund, support and evaluate development of specific men focussed programs that encourage exchange of ideas around stress of migration, and family relations based in relaxed settings

Intersectionality

Black Lives Matter protests has brought attention to the suffering of many due to societal discrimination. It brings the issue of intersectionality to the front of mind. A number of disadvantage add up for people of different skin colour and culturally and linguistically diverse groups in our society

Dowry Abuse is one such example of intersectionality. It is an economical form of family violence seen in some migrants. This submission refers to the specific practice of dowry in South Asian communities, which involves the transfer of gifts to the groom’s family from the bride’s family. It does not include bride-price although both practices are open to abuse. Bride-price is practised in some African communities, and involves the payment of money, livestock or goods to the bride’s family by the groom’s family.

Dowry abuse is framed as a complex form of family violence in the 4th National Plan –as a practice arising as a result of intersection of culture and gender. However dowry abuse is to be conceptualised as a part of a wider problem of violence against women – a problem of economical abuse and forced extortion in the context of patriarchal structures.

Dowry is defined here as gifts in the context of marriage that are out of portion to the income of the giving family. Abusive behaviours linked to the giving of dowry may include demands for property, cash, white goods and jewellery, gifts that are expected on recurrent basis, after the wedding. Dowry-related demands or extortion may take the form of threats or acts of physical violence or abandonment, in order to extract more dowry from the victim and their family, leaving the victim increasingly threatened and financially dependent on the perpetrator.

Like other forms of family violence, the element of control is crucial. Dowry abuse is characterised by an element of coercive control in that the bridegroom’s family exerts pressures, implicitly or explicitly, on the bride’s family to fulfil their demands and expectations’. The expectations of the groom and his family regarding dowry payment is dependent on the groom’s family background, level of education, social status and in some cases, foreign residency status.



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In the context of the Australian migration experience, the value of groom overseas is exaggerated by Australian residency. Dowry abuse related to visa sponsorship can include demands for extravagant weddings in India costing up to \$80,000 and a dowry of \$500,000 for Australian residency .

After marriage dowry demands may be linked to abusive behaviours such as visa-related threats

Temporary migration status gives perpetrators of family violence further means of control over their victims, who use dowry demands as a bargaining instrument .

Another form of abuse linked to insecure visa status is spousal abandonment. After confiscating the dowry , the woman , usually a new migrant may be tricked into visiting India and abandoned there, while her husband withdraws her sponsorship, or she may be left behind in India after exorbitant wedding and huge dowry confiscated and she is never sponsored to Australia. ACHRH is in touch with a group called Truth Still Alive of so called abandoned brides in India. The deceitfulness and the disappearance after taking huge dowries is being practiced by some perpetrators. That is made possible due to lack of laws in Australia that specially prohibit dowry demands and abuse.

A more unjust situation is found in Australia, where the woman being a victim of dowry abuse , physical violence and coercive controls is forced to call the police, and having to leaving the violent marriage and perpetrator's home she is not able to reclaim her dowry. The Courts and Lawyers need direction from the Family Law Act, and definition of dowry abuse is lacking .

Although dowry abuse is reported from across all States and Northern Territory, it is not consistently recognised as a form of family and gender-based violence across Australia.

The Senate Hearing into Dowry Abuse Report noted that the problem was Australia wide and recommended dowry abuse be include in the definition of Australia Family Law Act

ACHRH successfully led the campaign against dowry abuse in Victoria starting in 2013 , with a petition demanding inclusion of dowry abuse in the Family Violence Protection Act of Victoria . ACHRH made a significant submission into the Royal Commission into Family Violence that led to the Recommendation number 156- that recommends inclusion of dowry abuse in the Act ⁷.

Victoria is currently the only state in Australia to include dowry-related abuse in its definition of family violence in state legislation, specifically the Family Violence Protection Act 2008 (Vic) (Law Council, 2018).

As part of the 2018 Inquiry into Nature and Prevalence of Dowry Abuse in Australia , ACHRH was invited to appear at the inquiry with some live cases . The ACHRH experience was shared with the Inquiry that dowry abuse involves multiple perpetrators within the familial setting. The senior family members often engage in negotiations for dowry, it may occur in Australia or overseas and with differing expectations the bride becomes the victim often suffering violence and abuse, perpetrated by multiple perpetrators.

⁷Royal Commission into Family Violence. (RCFV) (2016). Report and Recommendations. State of Victoria, Victoria.



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It is not uncommon for multiple perpetrators to demand dowry especially mothers-in-law and brothers in law and sisters in law⁸

CASE 1- Sita* had an arranged marriage in Delhi with an Australian citizen of Indian origin in 2016 . During three wedding ceremonies, dowry in the form of cash, gold, white goods and diamond jewellery, and clothing was given to the groom and his extended family. The cost borne by the Sita's father amounted to about \$120,000.

After the wedding her mother-in-law harassed her for not bringing enough cash, furniture and gifts as dowry. She also confiscating Sita's gold and diamond jewellery.

While living in Melbourne with her husband, Sita was socially isolated, her wage was to be deposited into a joint account only , one that was controlled only by perpetrator . She was not permitted to open her own bank account. Sita estimates that he took almost \$50,000 of her wage over 18 month period , and left her with money for public transport only. Even a glass of juice she bought for herself was criticised and stopped. In addition she was forced to do all the household chores- cooking, cleaning for perp , his brother and his mother every day before and after work. He told her he married her to have hot dinner daily . She said she was exhausted , unable to concentrate at work and lost her job.

Her husband and his father demanded more cash from her father, to buy a house . He physically and emotionally abused her when she refused .

The neighbours called the Police after one such episode, and she was taken to a refuge

2 years later Sita has not been able to reclaim her jewellery ,gifts, her personal expensive clothes or cash. Her separated husband refuses to acknowledge her demands.

She lost her job due to trauma of abuse and poor mental health , unemployed and unable to receive Centrelink support having been here less than 2 years, until an agency advocated on her behalf.

Her lawyer mounted a dowry reclaim case in Family Law Court but received back a tiny fraction of what she gave him as dowry .

*Not her real name

Sita s case highlights number of different types of financial abuse by the perpetrator .He married her to obtain dowry, and serve her family as a servant , he also made full use of her labour, having her work and confiscating her wages. This case also highlights aspects of human trafficking and modern day slavery . Dowry abuse and domestic servitude in Sita's case is an example of exploitation of a cultural practice for perpetrator's personal gains , as in her culture it is acceptable that a daughter-in-law would take care for her mother-in-law and husband's needs; and that she would have joint account with her husband. But the perpetrator exploited the cultural practice that is meant to strengthen the extended family unit . She was vulnerable and the Justice System was unable to help her reclaim her significant financial contribution in to the marriage given as dowry gifts during and after her marriage.

⁸ O'Connor M and Colucci E. 2016. Journal of Transcultural Psychiatry.Exploring Social Distress in Domestic Violence in Australian Indian Migrant Women Through Community Theater .



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Continuous demands by groom's family and criticisms by in-laws of insufficient dowry offerings is shown in Australian research to be associated with domestic violence, emotional abuse, humiliation in the Victorian Indian community.⁹ The system of dowry in and of itself is not inherently exploitative or abusive. However, the practice of dowry does have the potential to become exploitative and harmful when it is practiced in a way that involves, force, fraud, coercion, deception, threats and violence. It is at this intersection of dowry abuse that we draw our recommendations. Absence of specific laws in Australia that can protect Indian and ethnic new spouses from dowry demands during marriage and confiscation of dowry by in-laws following separation are leaving a group of women vulnerable to verbal threats, humiliations, social isolation from their families leading to adverse mental health effects such as depression and suicidal thinking.

Dowry abuse involves multiple perpetrators within the familial setting—family members are often the ones engaged in negotiations for dowry and differing expectations can often lead to violence and abuse being perpetrated toward women.

Dowry fits into the definition of economic abuse, but needs to be named specifically as it is practice that does not attract attention by the victims and perpetrators, conveniently passed off as a cultural practice. There is a need to raise awareness, and increase detection levels among communities, service providers and the Justice System. It requires a comprehensive legislative and policy response.

The Laws are an important step to ensuring specific forms of family violence, which are not readily recognised, such as economic abuse and its variants, can be identified and tailored and met with targeted intervention and protection.

Dowry related deaths are also a feature in the Australian context of DFSV. At least two deaths- one in Victoria and one in NSW are attributed to perpetrators' unmet demands for dowry¹⁰. While the actual number of cases are unknown, one study records 50% of cases of family violence related to dowry abuse in a group of 56 South Asian women seen in mental health settings¹¹

Recommendation 4 – Adopt all the recommendations provided in the Report by Senate Hearing “The practice of dowry and the incidence of dowry abuse in Australia”. 14 February 2019

⁹ Collucci and O'Connor et al 2013. Nature of domestic/family violence and barriers to services among Indian immigrant women. Journal Alterstice, special issue Family Violence in Culturally Diverse Communities

¹⁰ Australia's dowry deaths. Al Je Zeera. 2017. <https://www.youtube.com/watch?v=nGA51ce1T9I>

¹¹ SUICIDALITY AND FAMILY VIOLENCE IN IMMIGRANT WOMEN PRESENTING TO MENTAL HEALTH SETTINGS - PRESENTED AT RANZCP CONGRESS 2016.

https://www.researchgate.net/publication/324204674_Suicidality_and_family_violence_in_Australian_immigrant_women_presenting_to_out-patient_mental_health_settings/addSupplementaryResources



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Good Shepherd states¹²."police would benefit from training on gender and its relationship to FDSV, training on the complexity of FDSV, and training that is trauma informed. This echoes the findings of recent research, in which judicial officers attributed the lack of understanding on these issues to the poor quality and lack of training."

Case 2- A recently married woman went to the local Police to complain of dowry related harassment, and demands associated with threats. The Policeman told her that as he was an Anglo-Saxon male, and did not understand dowry. The Policeman refused to register the case of family violence

Recommendation 5- All Police and Judicial Officers are provided quality training into dowry abuse

DFSV and Dowry abuse is associated with serious mental health problems such as Post-Traumatic Stress Disorder, suicidal thoughts and behaviours¹³. Trauma informed approaches are necessary to avoid further traumatisation of victims¹⁴

Recommendation 6- Health providers, Policy makers and decision makers are offered ample opportunities for training on family violence related to dowry abuse, trauma-informed practice and cultural competency

Recommendation 7- Trauma informed centres are established to support culturally and linguistically diverse communities

¹² GSANZ Submission to the Inquiry into family, domestic and sexual violence 2020

¹³ Manjula O'Connor 1, Samir Ibrahim. 2018 Suicidality and family violence in Australian immigrant women presenting to out-patient mental health settings. Australasian Psychiatry.

¹⁴ Bringing trauma-informed practice to domestic violence programs: A qualitative analysis of current approaches. <https://doi.org/10.1037/ort0000098>; Manjula O'Connor. Dowry-related domestic violence and complex posttraumatic stress disorder: a case report. Australas Psychiatry. 2017 Aug;25(4):351-353.