



Empowering Communities  
through Knowledge  
and Research.

3/20 Collins Street  
Melbourne, Victoria Australia 3000  
[www.achrh.org](http://www.achrh.org)

25 July 2018

## **Dowry abuse, Arranged marriage, Domestic servitude Modern day slavery, and Abandoned brides.**

### **FOREWORD**

ACHRH is grateful for opportunity to present this submission

The submission addresses the following terms of reference of the Senate

Enquiry into dowry related abuse

The practice of dowry and the incidence of dowry abuse in Australia and aims to answer the following terms of reference

1. the extent and nature of knowledge regarding cultural attitudes to, the practice of, and the prevalence of dowry in Australia, both before and after marriage
2. (a ) the appropriateness and impacts of dowry as a cultural practice in modern Australia, taking account of our national commitment to gender equality and human rights, and approach to multiculturalism;
3. (b) reports of dowry abuse, including potential links to family violence, pretext for arranged marriage, forced marriage, modern day slavery, financial abuse, domestic servitude, murder, and other crimes, as well as any connections between dowry abuse and adverse mental health outcomes for affected women, including self-harm and suicide;

4. (c) the adequacy of the family law system, including how divorce and property settlement proceedings deal with dowry and dowry abuse, and the operation of and need for extra-jurisdictional (including international) enforcement mechanisms;
5. (d) confirmed and potential links between dowry, dowry abuse and forced and/or arranged marriages, both in Australia and in connection with Australia's migration program;
6. (e) the adequacy of Australia's migration law system in terms of addressing dowry and dowry abuse, including:
7. (f) the extent to which the requirements for spouse and family visas may enable or prevent dowry abuse,
8. (g) vulnerabilities experienced by women suffering dowry abuse as a result of temporary migration status, including disincentives to report dowry abuse and the ability of victims to access the family violence protections afforded by the Migration Act 1958 and associated regulations, and
9. recommendations for change if necessary;
10. training and reporting regimes that apply to Commonwealth, and State and Territory police forces and family violence services in relation to dowry and dowry abuse;
11. investigation of laws and practices in international jurisdictions, in relation to defining dowry and combating dowry abuse, with particular regard to how these approaches could be applied the Australian context;
12. the adequacy of current Commonwealth and State and Territory laws in establishing broadly accepted community norms and in preventing dowry abuse, and specific recommendations for change if laws need to be strengthened
13. Abandoned brides brought across from overseas destination specifically India and more broadly from South Asian countries

### **About the Australasian Centre for Human Rights and Health (ACHRH).**

ACHRH primarily operates in Australia. 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. To that end ACHRH promotes gender equality and respect, and family harmony for new South Asian migrants. ACHRH continues to done this by

mobilizing 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.

ACHRH has adopted evidence based approach in raising awareness against family violence in the community, conducted action research, and provided submissions to enquires, the Victorian Royal Commission into family violence, hearings and made input into the 3rd National Plan.

ACHRH team has led a number of community based action research, projects , and activities-for example raised a petition against dowry in 2013, tabled in Victorian Parliament in 2014 and incorporated in recommendation # 156 by the Royal Commission into Family Violence. In 2015-16 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](http://www.achrh.org)  
ACHRH engages with media on a regular basis and successfully placed dowry abuse on the national agenda .

This submission by ACHRH to the Senate Enquiry into Dowry Abuse seeks to present physical and emotional abuse associated with dowry and financial extortion in context of arranged marriages in migrant women. And it makes a plea for legal framework and other comprehensive responses to combat dowry abuse , domestic servitude in migrant women in Australia and advocate for changes to other western host countries.

### **Method**

Based on the information received by the Indian and other Asian communities , the media , community based action research conducted in collaboration with The University of Melbourne and the clinical data of its Founder /Director (Dr Manjula O’Connor, Psychiatrist) ACHRH has come to view dowry as playing a significant adverse role in promoting emotional, physical abuse, violence in the Indian, the South Asian , Chinese and African communities .

**Definition-** 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. Based on the research with Victorian Indian population ( O’Connor, Mason and Eisenbruch currently in preparation; O’Connor and Colluci 2016 ; Colluci and O’Connor et al, 2013 – papers attached ) ACHRH has refined the definition to include dowry as “substantial gifts” in the context of a marriage, where the value of gifts is out of proportion to the income of either family and causes financial distress to the giver.

## **Findings and Recommendations**

**Recommendation #1- We recommend the Commonwealth of Australia accepts Dowry as an example of “Financial coercion , extortion , abuse” under the definition of Family Violence in the Family Law Act and a significant contributor to the problem of Family Violence perpetrated against CALD women.**

**ACHRH recommends amendment of Commonwealth Family Law Act 2005 as soon as possible to add the words Dowry (or coercive demands for substantial gifts, cash material goods in the context of a marriage) as an example of family violence**

**Recommendation #2 -- For the Indian community ,ACHRH recommends the Indian Family Court Judgments and divorce settlements should be taken note of and have some influence on legal judgments in Australia**

**Recommendation #3- Judges to make a note of dowry contribution and whether the dowry is held by the husband and his family here in Melbourne or overseas.**

**(3.2) Dowry should be symbolic gift exchange , and demands of substantial Dowry that equals or exceeds annual income be made illegal at the Federal and State Levels**

**(3.3) Also Dowry related offences be made illegal with punishment to be prescribed.**

### **Recommendation #4**

**4.1 Commonwealth of Australia to stop the problem of Dowry abuse at the point of Immigration . The Government to declare “demands for dowry gifts, cash ” etc a breach of visa condition of Spousal Visa application. Further any such application by an Australian resident should include an affidavit stating gifts received at the wedding.**

**4.2 Pre-Departure Safety Packs should be given to all women and men applying for visa , and the pamphlet should contain information on Dowry abuse being against the law**

**Recommendation #5 - Greater awareness of avenues for help for women. Our findings indicate ethnic women do not know their rights, ways and means of accessing legal help . Community based education and raising awareness for migrant women is required after arrival and on an on-going basis , implemented by local community organizations, supported and funded by the Government. Domestic Violence help lines, and list of women oriented Community based organizations**

**Recommendation #6 - It is important that the Judiciary and the Police are educated regarding Dowry and its role in FV.**

**Recommendation #7- Dowry is deeply embedded within the Indian and many CALD cultures and as such is a blind spot for some communities leading to**

**complete silence. Silence needs to be broken. Prevention through social/cultural education, delivered through the grass roots community organizations needs to be supported by the government. Young men need to be educated into the inherent value of a spouse –one that is not measured by money. Young people should undergo premarital counselling and in this, education of “Faith Leaders” is important as they are central to the wedding process .**

**Recommendation #8. It is highly recommended that courts recognise the frivolous nature of requests by fathers/perpetrators for airport watch and travel ban over their children accompanying their mother/victim. It is usually acted out in the context of support by the State and Courts for the victim undergoing dowry abuse, domestic servitude and family violence. ACHRH recommends that such request are recognised as examples of ongoing abuse and control over the victim.**

**Recommendation #9 .Temporary migration status for example visas subclass disincentives to report dowry abuse and the ability of victims to access the family violence protections afforded by the Migration Act 1958 and associated regulations**

**Recommendation #10. In light of Victorian Royal Commission into Family Violence Recommendation 156, to include new offences of forced marriage and dowry-related abuse in the Family Violence Protection Act (2008), and passage of the Anti-dowry Bill in the Victorian Parliament the Commonwealth of Australia should review the consistency and relationship of these laws to existing Commonwealth legislation, as well as the potential benefits to supporting the pursuit of these offences at the Commonwealth level**

**Recommendation #11. Commonwealth of Australia to undertake a review of the existing slavery and trafficking legislation in relation to family violence and arranged marriage with migration. Education of relevant authorities is needed to the enhance identification and referral of trafficking and slavery offences when they occur within a domestic setting/familial relationship: this should include recognition that situations akin to human trafficking, forced labour, domestic servitude and other offences under the Commonwealth legislation occur within the context of partner migration.**

**Recommendation #12 – Courts and COAG to recognise the serious plight and vulnerability of victims of dowry abuse, domestic servitude, where victims wages are controlled by the perpetrator and there is enforced labour**

**Recommendation #13. ACHRH recommended that courts, the Immigration and Border Protection Department recognise the frivolous nature of claims by perpetrators /husbands accusing the victims of marrying them in order to obtain permanent residency of Australia. The Immigration Department to recognise this behaviour as an example of ongoing abuse and control over the victim. And to recognise it as a deflection from domestic servitude and extortion.**

**Recommendation 14. ACHRH recommends a bi-national working group with India to chart out possible future pathways of cooperation to support the victims and make the perpetrators accountable**

**Recommendation #15. - Accurate reporting and collection of data at National and State levels giving an official figure of Dowry related violence and deaths, and domestic slavery and servitude should be done in a coordinated manner between the Police, Justice, FV delivery services and the NGO s.**

**Recommendation 16 : All victims of family violence on temporary visas should be entitled to receive essential services such as Medicare, Centrelink , support from Domestic violence service providers and housing support.**

**Recommendation 17 : The legal protections should cover cases of Dowry related coercive demands and confiscation of dowry by the perpetrators family.**

**Recommendation 18: ACHRH recommends Australia initiates a UN based advocacy for a multi-faceted response in all western host nations who accept migrants. The response based on Heiss ecological diagrammatic conceptualisation of violence against women should be social, cultural and legal, supported by strong economic policies**

-----

### **Extent and Nature of dowry abuse in Australia**

The harmful impacts of coercive dowry demands by the groom and his family are well documented in the Indian academic and popular literature this archaic practice is also documented in other countries for example China, Pakistan, the Middle East .

Our research has confirmed that this practice is continuing in multi-cultural Australia in many CALD communities and dowry linked four deaths in Australia is analysed in this submission

Dowry is not spontaneous gift giving . It has turned into a societal compulsion . Dowry gifts are disproportionate to the income of the groom or the bride or their family and research shows that gifts are up to six times the annual income of either family and places huge financial burden on the giver(Bloch and Rao 2003).

### **When is dowry given during wedding celebrations .**

Indian marriages typically go on for 3-4 days , they are extravagant and extremely expensive. The cost is usually borne by bride's parents . It consists of about 6 separate celebratory event as described below . Every gift given is recognised as being a part of dowry according to the Indian Laws and Indian custom.

**Ceremony 1 - The Rokka Ceremony** – This is the initial most step where the bride and the groom ‘s family have agreed for the young couple to be married in an arranged marriage ( Rokka literally means ‘Stop’ or stop looking) . Usually it occurs within hours or days of the two people meeting each other. There is a colloquial saying in Punjabi “*Aaj Mangani , Kal Viya*” meaning “engaged today, married tomorrow” and that typically describes how arranged marriage is conducted . Rokka is a function that is held with small number of family members from both sides. The bride’s family gives gifts to the groom- a gold chain , cash and sweets . The cost of gifts and holding an expensive function is borne by the bride’s parents. The bride usually does not get anything from the groom’s side, it is rare grooms who give the woman a gift like gold chain.

**Ceremony 2- The engagement ceremony** –Usually held a week or two before the wedding event . The bride’s family alone pays for usually an expensive , extravagant event with food, music , dancing etc. The groom’s entire extended family/friends are invited. The guests can number in hundreds . The bride’s family will pay for dozens of boxes and baskets of fruit, sweets to be distributed to the grooms extended network. In addition there is the cost of gifts and cash personally given to the groom and his family –usually expensive gifts like a gold watch or bangle , diamond ring for the groom, clothes for the groom and his immediate and extended family. Cost of such events can add up to \$10,000 or more. Mother-in-law usually sends a list of names to the bride’s parents who should be given cash gifts , clothes and or gold. The bride will get gold jewels and expensive clothes from her parents . The groom will give her an engagement ring . The cost of such occasion as described by victims of dowry abuse in Dr Manjula O’Connor’s patients ranged from \$10,000 to \$15,000.

Ms E’s husband to be and his parents stated at the Rokka ceremony “we do not want anything (code word for dowry). We really love your daughter Please just make sure the wedding is a very posh event , in the best possible hotel”. Ms E said her parents felt quite relaxed and spent a fortune , in the vicinity of \$40,000 on the four day wedding . About five hundreds guests were invited to a posh five star hotel in Delhi over four days of extravagant functions . And then demands, humiliation, abuse started one day after the wedding .

**Ceremony 3- Sangeet-or musical evening** is usually held 3-4 days before the wedding. There is much dancing, food, live music and henna ceremony . Usually this event is meant for the bride’s family and friends but in modern times the groom and his family and friends join in as well but do not contribute to the cost . It is another usually expensive function with upwards of 100 guests , the bride has to have new and expensive gold embroidered dress for this event , and jewellery. The cost of Sangeet ceremony is

borne by the bride's parents

**Ceremony 4- "Dowry" giving** - The wedding event is preceded by **official dowry giving**. This is what *most people in legal disputes use expediently to define the word dowry*. Typically it comprises a car, air conditioner/s, furniture, bed linen, television, refrigerator, washing machine and anything else that is demanded by the groom and his family . In addition items of gold jewellery are given to the mother-in-law, father-in-law, sisters, brothers, their partners. Clothing, blankets, for extended network of the groom The gifts are all displayed in a room or announced to the community. In addition brides expensive new wardrobe is displayed and the extensive gold necklaces, pendants, earrings with diamonds given to her as gift by her own family.

The cost of Dowry is borne entirely by bride's parents and can run into thousands of dollars.

Case example- A young woman Ms A said that her husband to be said he did not want any dowry. He just wanted a lavish wedding . As expected by tradition her parents however had to buy clothes for the groom and his mother and father and siblings. He chose the most expensive branded clothes-suits, shirts, ties, Indian traditional wedding dress for him, his family costing about \$4000 her widowed mother with meagre income in India could barely afford. The marriage broke up and he said he was willing to repay the cost of these gifts in the court but actually the payment did not occur. He cited lack of income as a reason.

**Ceremony 5- Wedding event** –It is not uncommon for there to be upwards of 200 - 1000 guests or more . Usually the Australian-Indian grooms or NRI grooms demand "the wedding be held in the poshest of hotels so they can show off their high social status . There is little regard for how much the bride's parents are going to have to pay . It can cost about \$20-\$200 per plate in a hotel in India /or Australia . Multiply that 200 times, may be 1000 people or more and the cost rises to \$20,000 to \$200,000 for the wedding function alone .

The cost of this event is completely borne by the bride's parents . The laws in India against dowry have been in place since 1961. It is regarded as a social evil. To bypass the laws the Australian-Indian grooms trick the bride's family by saying "*we do not want anything*" (code word for dowry), as in the case of Ms E described previously and is continued below.

After the wedding arrangements were completed , Ms E 's parents were extremely disappointed when just one day before the actual marriage his mother asked for cash 'she would like cash for a Mercedes car'. Ms E said 'they already had been given Dowry for example all household items , furnishings, linen, white goods, TV etc' . Their greed had already become apparent as Mother -in-law accepted second refrigerator when she already had a refrigerator in the house.



Domestic violence began after Ms E arrived in Australia. She was on a tourist visa. He told her to ask her father to send money. She refused saying “my father has already spent so much (around \$120,000). I cannot ask him anymore . I will earn money here and give you that money”. He said “No. It must come from your father” . Then he told her to ask her father to transfer the title of one apartment in his name. She refused again. After abusing her , and calling her names and her family vulgar names , he started pushing and shoving her threatening in his demeanour . She felt her life was at risk, and became extremely fearful. Suddenly one day he came home walked in with threatening aggressive attitude , accompanied by a strongman collected his belonging and left the house , abandoning her in strange city with no support system, and no valid visa.

to give her entire gold jewellery worth thousands of dollars for “safe keeping.” She never got it back after the breakup of marriage. If the new daughter-in-law dares to say “No” to mother-in-law that can be the start of criticism for example “she is too cunning, not trustworthy and will not fit into the family” . The husband who hardly knows his wife, and is usually extremely close to his mother, and easily becomes suspicious of his new wife’s motives and lack of respect for his mother . The bonding in the new couple is disrupted. And if the mother-in-law continues criticism of the quality or amount of gifts he is incited to abuse and violence , that leads to ongoing criticism and humiliation, as it happened to Ms A in the detailed case report in the attached academic paper. ( Appendix 1 : **O’Connor M.** March 27, 2017. Dowry related Complex Post Traumatic Stress Disorder. Australasian Psychiatry).

Case example - During the anti-dowry campaign in 2013 , at the Diwali Festival ACHRH volunteers circulating in the crowds sought signatures on the ACHRH anti-dowry petition(petition demanding that dowry be included in the Victorian FV Protection Act as an example of financial abuse) . One young international student asked “if I sign this petition I will get into trouble if I take dowry in the future” . He was told ‘no you will not, but why would you take dowry’. He said “my sister just got married and we gave a huge amount of dowry and if I don’t get dowry it will become matter of shame” . When questioned him some more he said “*receiving dowry is a matter of honour* “

After the marriage the bride must relocate to husbands family home with his extended family . There the mother-in-law being the senior most matriarch often exerts pressure on the new daughter-in-law to give her all her gold and diamond jewellery for safe keeping. Most often the young women comply as did Ms E. Ms E was asked by her mother-in-law

**Ceremony 6- Post wedding function**- the only one event hosted by the grooms family, it is largely attended by his own family and friends with some of brides family and friends invited .

In summary Majority of Indian weddings follow this ritual, with some variations, omissions or additions . Ceremonies 1 ,2,3,4,5 cost is borne by the bride's family whereas ceremony 6 is borne by the groom. Even weddings of second or third generation migrants would follow the same path. Bearing in mind the average per capita income in India is Rupees 1,11,782, or just over \$2000 per year in 2017 the bride's parents sell their property, mortgage their property, take loans of family and friends . Many families start saving for their daughter's wedding from the day she is born . Research in India shows the cost of a wedding can be six times the wealth of the family (Bloch and Rao 2003) putting the families under extreme financial stress. Evidence from Victoria Australia confirms the above research. Parents are spending similar amount .

### **Extent of dowry abuse**

India it is widely accepted that dowry practice is almost universal. While the exact number of dowry related abuse cases in Australia are not known there is plentiful anecdotal evidence. In Dr O'Connor's Private Psychiatric Practice has seen several hundred victims of FV of South Asian origin . The rate of dowry abuse was present in 75% cases between 2012-2015. With extensive media coverage and the Royal Commissions' recommendation#156 to include dowry abuse in the Victorian Family Violence Act a drop in dowry abuse cases was noted , down to 50% in 2016-17 . In the last 12 months a further drop just under 30% is recorded . This drop in rate is recorded in Victoria. It is attributed to high media publicity , the Victorian Royal Commission 's recommendation 156 and the forthcoming anti-dowry laws in Victoria . The migrants from Indian subcontinent who are highly attuned to anti-dowry laws in India have already demonstrated a change in behaviour as a result of impending new anti-dowry laws in Victoria Australia.

### **Harm to parents mental health**

In Dr O'Connor's clinical Psychiatric practice hundreds of victims of family violence and dowry abuse who suffer trauma of insults, violence and loss of dowry are also seen with their parents . They are usually visiting from India heartbroken about their daughters marriage break up they are often suffering from severe insomnia, depression, sadness,

demoralisation humiliation and shame . The parents admit to spending a fortune on their daughter's marriage -usually upwards of \$40,000 in India with some estimates amounting to more than \$130,000 . The average income of an Indian person is about \$2000-\$3000 per year

The majority of the expenditure made by the bride's parent does not benefit the bride. It simply goes to the groom and his family .Research shows that the big wedding event itself may be designed to signal the social status of the bride's family and have a purpose to impress not just the groom but also their own community ( Bannerjee 2003 ).

The entire practice of gift giving at the wedding has given rise to an attitudes of sense of entitlement in grooms over the bride's wealth, her parents wealth, associated with sense of superiority and power over the bride and her family . Majority of families ,both parties are honest , and trustworthy and do their all to make the marriage a success and last for the rest of their life. In that context dowry and gifts given to the groom and the bride can be understood as 'setting them up for life' . But what cannot be accepted is that the burden of dowry only falls on one family, and the demands for more dowry, criticism of "insufficient dowry", demanding cash after her arrival because the groom has Australian residency

An Australian-Indian lawyer loudly proclaimed last month " *every case of dowry claim is fake*". It seems that the confusion is about the definition as to what constitutes dowry. Most people would confine dowry definition to the gifts given in Ceremony 4 as household gifts . All the gifts given to the groom, and his family at every step of the process, gold, diamond jewellery and her expensive clothes all constitute dowry gifts. Often after marital break up the new grooms in Australia are known to withhold her gold jewellery, her expensive wedding clothes. And all household items, car , given in India are not being redeemed due to complicated legal process in India . Further, financial contribution made towards purchase of property her in Australia by the husband usually comes from the bride's parents or brothers . As this transaction is often in cash , given to the groom in India or Australia, they are able to get away with impunity, not returning bride's share following marital breakup. Gold jewellery kept in India by mother-in-law is usually not returned back to the bride .

**Australian authorities /NGO s are unable to support Australian-Indian migrant women in India due to lack of official/ legal communication channels between the two countries . ACHRH recommends alignment of anti-dowry laws and a bi-national working group with India to chart out possible future pathways of cooperation to support the victims and make the perpetrators accountable .**

## **Relevance for Australia**

Action research with the Indian community of Victoria conducted by Dr. Manjula O'Connor in 2010-2011 published 2013, 2015 papers attached (Appendix 2 and 3 ) shows that the practice and associated attitudes have been internationalised through migration, and sustained through cultural continuity with the homeland.

Thus the original purpose and meaning of dowry has changed in the past four to five decades in India . From the original meaning as ante mortem inheritance and gifts for the daughter, the bride it has transformed itself into groom-price. Usually given “voluntarily” , it is expected and often demanded by the groom’s family . The grooms claim that the bride’s family gave the dowry gifts voluntarily. The question arises why anyone would give gifts that would exceed the annual income of the bride’s family multiple times. The answer is societal pressure, and a need to demonstrate social status, dowry’s ridiculous link with family honour makes the practice a societal coercion. Another potent motivator for parents to giving dowry is fear of violence against their daughter for receiving “insufficient dowry.” Some scholars have called dowry a deadly mix of patriarchy and greed and called for dowry to be recognised as a serious public health issue in India (Babu and Babu 2013). **This ACHRH submission makes a case for the Commonwealth Government to recognise dowry demands in legal statute to acknowledge the immense harm caused by Dowry to immigrant women and their need for protection .**

## **The role of groom’s Australian residency on demands for dowry**

This harmful cultural practice associated with domestic violence and murders in India is showing similar trends in Victoria. Experts have blamed the culture of son preference associated with the culture of greed and commercialism (Babu and Bau 2011). In particular it is noted that the Expats, also called Non -Resident Indians (or NRI s) are (Palriwala and Uberoi 2008) are contributing to the rising amounts of dowry. Permanent Residence (PR) of affluent countries such as Australia is highly prized. Thus the Australian-Indian men who return back to India are seen to have “high status” and their value within the arranged marriage market goes up. They are able to demand and command huge dowries. The groom’s father and mother who often live in India and play a key role in setting up his arranged marriage, negotiate the cash, gold and gifts they would expect to receive during and after the wedding. The problem of extreme control over the victims choice of job, control over her wages and domestic servitude however has not shifted. Dowry abuse

has given rise to a sense of entitlement in the receivers. It is many shades of grey.

Ms A-was referred by her GP for treatment of stress and depression. She had been a victim of Domestic Violence at the hands of her husband . She was frightened, acutely distressed, anxious, tearful unable to sleep at night, waking up a number of times at night , tired during the day. She was unable to concentrate at work. She has lost appetite and has lost weight.. She said she had no support system and was homeless as she had been thrown out of the house by her husband . She attempted to harm herself a number of times like holding her breath for a long period. She said she looks at the knife and thinks that will be an easy way out of this life.

Trigger for violence- Her husband told her repeatedly that she did not bring anything from her parents. It was a love marriage not arranged marriage, and generally the customs dictates that such a marriage is a simple marriage and the groom does not receive dowry .

He was annoyed about not getting dowry. He would say “you are living a life of luxury here in Australia , all because of me . What has your father given”. He subjected her to continuous emotional abuse, violence, frequently threw her out and locked her out of the home . He had access to her bank account and withdrew \$40,000 out of her hard earned income without permission. One time he became violent because she needed to send money to her mother in India.

Another woman named Sita said she was studying to be a Journalist in India before arranged marriage and she wanted to pursue her studies in Australia after marriage. She was told by the perpetrator /husband she had to work as old age carer as this would bring better money and quickly . The money he said will go into a joint bank account , she will get just enough for her bus fares, he will have the control of that account . When she complained he told her he will withdraw his sponsorship of partner visa if she did not comply. She said she started attending the TAFE College, cooked cleaned, washed his clothes . He hardly spoke to her during the day. He would remind her repeatedly that she was dependent on him for PR visa. His abuse and violence became severe and she had to call the police .

### **Dowry as pretext for arranged marriage and abandoned brides in Australia and in India**

The issue of abandoned brides has become a major concern for India . The Indian government counted more than 4500 women who were married to non-resident Indians from foreign countries including Australia, majority have taken significant dowries and then abandoned their new brides. Please see article by the newspaper Indian Express “ Now nobody can escape dowry cases by fleeing abroad. The writer recommends that if all foreign countries were to define dowry as a criminal activity it would help to bring perpetrators to justice and protect human rights of abandoned brides.(see <http://www.newindianexpress.com/specials/2018/aug/12/now-nobody-can-escape-dowry-case-by-fleeing-abroad-1856507.html> )

Case history - A young woman Miss S was married off at age 19 by her family in an arranged marriage. It was a marriage held with her consent. She was studying law, she was keen to finish her degree. She was not allowed to go to University after marriage. She was told to stay indoors with her in-laws in India while she waited for her spousal visa to gain entry into Australia. She was told to cut off ties with her family and friends, and was made to do household servitude. Her in-laws dismissed their maid servant and she was enforced to fulfil the duties of the maid, to become the household's servant, told to take care of all the needs of household members, his elderly parents; baby sit sister-in-law's daughter while she went out shopping. Her husband married her under pressure from his family. The victim found out immediately after arrival in Australia that he had a girlfriend in Melbourne but was pressured by family to marry her. His family sought this marriage and approached victim's family as they were willing to pay dowry. He fell into the trap of his family's sense of entitlement to dowry, to societal expectation that a bride's family will give dowry with no questions asked. He reluctantly agreed to marry. Her parents spent about AUD 80,000 in cash and gifts, money in lieu of car, gold jewellery for the groom and his family. Miss S discovered his relationship with his girlfriend within days of arrival in Australia. She questioned her new husband and she was told that she is insolent, that she had insulted his parents by refusing to do housework, back chatted and deserved to be punished. She was subjected to extreme violence, hair pulled out of its roots with severe bruising on face needing hospital treatment. He was given IVO. And she was removed from the house. She suffered from severe PTSD with high anxiety, insomnia and sadness. She lived in a refuge, and applied for permanent residency visa, but the Immigration Department refused her visa stating that they were not convinced that this marriage was real, because it was too short. This propelled Ms S into suicidal depression. She felt cheated by her husband, his parents her own parents, Indian culture and Australian Government. She felt she should have killed herself and that would be easier. She was receiving treatment from Dr O'Connor, and was provided three detailed psychiatric reports detailing her history and that of family violence pro bono. Ms S was enforced to hire an expensive lawyer, she could not afford to lodge an appeal against the decision of the Immigration Department and a meeting was held with the Department. The lawyer felt Dr O'Connor attendance would support her case and a pro bono appearance was arranged.

Ms S was highly distressed and anxious. The Officer reversed the original decision within half an hour and gave good result to Ms S straightway.

The case demonstrated the extreme plight of the young women who are societally oppressed, not allowed to think of having a boyfriend. The only marriage accepted to society is arranged marriage and conducted at a relatively young age of 19-20, and within days of meeting each other.

Ms S never recovered the Dowry gifts that were given to furnish her in-laws home, her personal gold jewellery was taken over by mother-in-law for "safe keeping" but never returned. There is no legal protection in Australia that could support her claims for dowry return. It was given in India but the marriage broke down in Australia. In India her parents have so far been unable to claim the dowry back.

The case of Ms KB below is a case of "abandoned bride". An arranged marriage as pretext

to extort money . As soon he had enough money he sent his wife to India and abandoned. In India there are more than 25000 such brides whose husbands are lining in comfort in western countries after destroying the happiness of women they married and abandoned

Case 2- A message received by email from India. “ I am Ms KB a citizen of India, got married to Australian Indian man in Aug, 2013 through an arranged marriage in Karnal, Haryana. ....I have been a victim of a marriage fraud. Taken to Australia in Feb 2014 on Tourist Visa. Forced to settle in Australia against the wish of my family .Demand for money from my parents & extended family. ....My parents/family provided huge money over time. He sold my gold jewellery in Australia..... Then birth of a baby boy, and constant harassment for further money..... He received PR on 1/June/2016. This milestone resulted in dramatic change of behaviour towards me, he threw me out of his house several times and.....forced me to go to India after booking my tickets without consulting me..... To our shock, Divorce Notice sent by husband from Australia was received at my parental address where I reside now since 4Aug'17.

Dr O'Connor is in touch with a dozen abandoned brides living in India, abandoned by Australian husbands who are protected by their citizenship or permanent residency or skilled visa or international student visa status . The dowry is given in India by the bride, taken over there by the mother-in-law and Australian-Indian husband but the marriage is breaking down in Australia .

Many of the abandoned brides living in Australia go to Family Courts but the Court is not able to assist the abandoned bride in reclaiming her gold jewellery handed over to mother-in-law, nor the furniture, or the cash given in India , or in Australia die to lack of clear legal directions . Whereas in India the laws to reclaim dowry are not applied because the groom is in Australia and his parents deny any knowledge of his whereabouts. The amounts being talked about here can range from \$10,000 , to in one case amounting to about \$300,00.00 The bride's parents have spent their life savings or have borrowed money for their daughter's marriage. Their loss is unbearable not only for them, their daughter but society as a whole .

Given that modern slavery in the form of dowry and financial extortion and exploitation, forced labour, domestic servitude in arranged marriages is easily rooted in migration, there is a crucial need to improve migration governance to prevent forced labour domestic servitude and protect victims. Additionally, the risk is strongly influenced by gender, women are the only victims. This must also be taken into account in developing policy responses.

**Recommendation 14. ACHRH recommends that a bi-national working group between Australia and India is formed under the umbrella of Department of Immigration, Department of Foreign Affairs, with representatives from the community and victims. Its role would be to develop pathways of cooperation between the two countries to support the victims with essential services , help**

**reclaim their dowries whether given in India or Australia and to make the perpetrators accountable.**

UN Sustainable Development Goals (SDGs), in particular Target 8.7, calls for effective measures to end forced labour, modern slavery, and human trafficking. Modern slavery covers a set of specific legal concepts including forced labour, debt bondage, forced marriage, other slavery and slavery like practices, and human trafficking. ILO defines slavery as situation of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception and/or abuse of power.

This submission from the Australasian Centre for Human Rights and Health (ACHRH) suggests that slavery like conditions in Australia are being endured by migrant women who are subjected to dowry and financial extortion in context of arranged marriage.

### **Dowry related murders**

#### **Murder of Ms Deepshikha Godara by her husband dated 13 December 2014. Corners Report dated 8 August 2016**

Detailed and multiple family interviews with Ms Godara's brother and her father in India in the year 2015 was conducted by Dr Manjula O'Connor . It revealed that her husband and his parents demanded and were given huge amount of cash about and household items, gold, clothes gifts at the wedding . They wanted more cash (about \$6000) to pay for his uncle's international student fees in Australia . In addition they demanded cash at every family function, birthday, wedding , religious occasion held in India . The issues are canvassed in detail in the ACHRH submission to Royal Commission into Family Violence 2016 ; and the documentary "Australia's dowry deaths" (<https://www.youtube.com/watch?v=nGA51ce1T9I>)

#### **Story of Ms Deepshikha Godara Benipal (Deceased Dec 2014)**

Clinical history obtained from her father Mr Ashok K Godara –She was married off in 2009 in an arranged marriage . He was a permanent resident of Australia and she lived in India. The groom's family requested a lavish wedding ceremony comprising 300 guests , the entire cost to be borne by him, being the bride's father. This was clearly said to be in lieu of dowry. He says he asked them again if they had any requests for gifts. The Groom's family said "they *did not want dowry gifts*".

However the next day the father-in-law turned up at their home and asked for Rs 300,000(\$6000). Mr Godara says he was dismayed and told them he had not arranged for any cash gifts as per their requests .The Groom's father became hostile and oppressive and said it was "*a matter of family honor*". It was he said "*to give traditional cash gifts to relatives to celebrate the wedding*". Mr Godara gave the money "out of fear" , he said he feared they will torture his daughter if unsatisfied with dowry amount .To Mr Godara's great



disappointment the father-in-law came back a week later and asked for another Rs 600,000(\$12,000) . This time the money was needed to pay for the groom's uncle's airfares from India to Australia . Mr Godara says he was very traumatized and upset by their coercive and heavy handed demands. He said to them *"how can I arrange so much money"* and they were clearly annoyed by his refusal. He says he eventually arranged the money out of his pension fund but was delayed by a couple of weeks. This angered her father- in- law, mother-in-law, uncle and her husband. According to Mr Godara , they started criticizing Deepshikha and her family. They said to words to the effect that she had scored a great life in Australia for free, she was ungrateful. She was ridiculed daily, humiliated by her husband, judged for minor mistakes, shown disregard and disrespect by uncle who was living with them in Melbourne. Mr Godara says mother-in- and father-in-law who lived in Delhi were inciting the new husband by frequent phone contact criticizing her father. Mr Godara says he is a Secondary School teacher in India. His annual income is meager, around Rs 300,000(\$ 6000) per annum. He had already spent about Rs 300,000 on the wedding ceremony .Then a further Rs 1Million (\$10,000 )as cash gifts had to be found. He is extremely bitter and sad.

Page 1 of Coroner's Report - Her father Mr Godara and his sister alleged that in the first year of the marriage she had contacted them in India and disclosed that she was being tortured and harassed mentally and physically by her husband Sunil. The father stated that it was the result of his family's demands for additional dowry. In addition he had a drinking problem , and his infidelity that caused ongoing conflict.

Page 2 - A statement made to Victoria police in June 2008 by Deepshikha stated *" when I moved to Australia everything was fine until January 2008 when his relatives visited from India. His relative 10 to 12 of them came out for two months and stayed at our place. One night in January 2008 Sunil's uncle got drunk and abused me and my family for not paying enough dowry which is Indian currency after my marriage. That night Sunil slapped me twice across the face because he was drunk and over the same issue about the dowry. I wasn't injured from the slaps. In March 2008 the family left Sunil has been bitter since they left about not enough dowry been paid*

Coroner's Report Page 16- In his findings and conclusions the Coroner noted that there were *"no missed opportunities for prevention "* of her murder .

12 April 2015 . Her father Mr Godara was interviewed by Dr O'Connor and asked him why he gave into demands for money / dowry . He said it was *"to protect his daughter from future abuse and violence."* and he burst out crying. He said *"his father demanded cash and dory as the head of the groom's extended family . He was handed the dowry money, but when it came time for him to exert his authority over his violent son he did not exert his authority, he did not stop his son from perpetrating violence against my daughter Deepshikha"* . Their greed he said had not been fulfilled.

In ACHRH opinion dowry related abuse was a highly significant contributory factor in Ms Godara's murder and if identified properly may have alerted the authorities to the seriousness of the situation. The final reason for perpetrating homicide by husband Sunil was her announcement to leave him for good, it was the issue of "insufficient dowry" that played an important factor as the precipitating factor and also the perpetuating factor for extreme family violence. She leaves behind a 4 year old son. He is being taken care of by his father's brother in Victoria.

**2. The second dowry death related to dowry in Sydney NSW 2 December 2013 is analysed by the Australian Documentary "Australia's dowry deaths"** produced by Al Je Zeera in 2017 and canvasses the issues in depth. The documentary viewed 522K times globally can be viewed on <https://www.youtube.com/watch?v=nGA51ce1T9I>.

The documentary describes a young woman called Ms Parwinder Kaur who was newly married in an arranged marriage. Violence, abuse, name calling, criticisms started soon after the marriage. Her husband demanded money from her, told her to ask money from her parents in India repeatedly. He was extremely volatile towards her as he suspected she was sending her earnings in part to her family in India. He wanted to control her income and she refused. There had been repeated episodes of violence and police had been called to the house. On the fateful day she was heard screaming running out of the house alight, burning and screaming 'help me help me'. She had petrol poured over her and set alight. A coronial investigation into her death concluded that a "known person" had committed an indictable offence.

### **Dowry related suicides**

#### **1. Coroner's Report (30 November 2015) into Mrs Nidhi Parishar suicide dated 11/6/2012**

Coroners inquest into the case of FV Ms Nidhi Parishar suicide dated 11/6/2012. She perpetrated homicide against husband before killing herself. There was ongoing violence perpetrated by her husband and his parents – emotional abuse, physical violence and domestic servitude in the context of ongoing financial abuse after an arranged marriage held in Delhi in 2006. He was an Australian-Indian man and she an Indian woman. A substantial dowry was given at the wedding worth \$10,000. The average income of an Indian in 2006 was reported to be around \$500, meaning that her father gave gifts that were 20 times his annual income (Rediff India Abroad. August 10, 2006 India's annual per capita income: Rs 23,222.

<http://www.rediff.com/money/2006/aug/10capita.htm>).

Coroner's Report Page 9 records the evidence given by her father Mr Jyoti Parashar. He came from India to give evidence. We present excerpts of his evidence as recorded in the report

*“ On 11 December 2006 Nidhi and Asim married (in India - a result of arranged marriage) . Before the wedding I paid a dowry worth Rs.500,000 in gold and ornaments (\$10,000)\_ . Nidhi moved in with his parents (in India ) . In the second week of January 2007 Asim (her husband) returned to Australia and Nidhi started living with Asim's parents for about two more months.*

*During this time Nidhi called me and my wife . Assim's parents were abusing her and demanding her to make them breakfast and tea every day and treated her like a servant.*

*Nidhi lived with us for a week and she did not want to return back to Assim's parents as they abused her and miss treated her*

Nidhi received Spousal visa in March 2007 and arrived in Australia

*When Nidhi arrived in Australia she moved in with Assim's about 6 to 8 of his friends they lived in this situation for about 12 months. During this time Nidhi told us that she was treated like a servant, preparing food for everybody.*

*Nidhi was working in a home for old people at the time. She would get her pay paid to a joint account that Assim would also get his pay. **He controlled this account and would only give Nidhi money if she ..... (pleaded for it)***

*In the first week of May 2012 Assim's parents arrived in Australia . They arrived with some of their friends and stayed with them. **After arriving Assim's father asked Assim why Nidhi had opened her own bank account and where the money was. Assim's father told Assim they should have bank balance transfer to them or get a divorce***

The ongoing nature of financial extortion, and control of the wife's wages is in lieu never ending demands for dowry after the marriage. This type of financial extortion after marriage is defined as coercive dowry demands in the Indian anti-dowry laws (1961, revised 1984 ).

Mrs Nidhi Parashar was subjected to domestic servitude , expected to comply with no complaints. Further, control of her wages , and demands for the money to be transferred into the in-laws account adds up to modern day slavery.

Evidence of previous history of family violence suffered by Nidhi, perpetrated by her husband Asim was clear . There was an intervention order against him, made at the Ringwood Magistrate's Court on 23 November 2010. He pleaded guilty to an assault charge. She had been bruised and beaten and had a black eye. The intervention order was revoked six months later on Nidhi's request . It is noted in the report that stigma against divorce may have played a role in Nidhi's decision . And the couple resumed living together. The violence however did not stop. It often happened after he had spoken to his mother and father in India. The Coroner noted the extreme frustration Nidhi must have been under to carry out a ferocious attack

against her husband that ultimately killed him.

The Coroner comments state that some of these issues , *which is the patriarchal nature of Indian society, issue of dowry and others did apply in Nidhi's suicide* . That while she was not entirely dominated by her husband but equally there was a significant degree of control exercise by him with the apparent back backing of his parents.(Page 22 ).

## **2. Ms Rea 's (not her real name) Suicide 2016.**

Ms R was a married woman . She committed suicide three years after marriage in Australia  
Psychiatrist Dr Manjula O'Connor's writes

“I investigated Ms R s suicide . I went to India on 23 and 24 August 2016 (some 3 months after her suicide). My aim was to get the exact history from her biological family in Hyderabad. I met her mother brother . They welcomed me and shared the sad story.

### Marriage in India

Ms R was married in an arranged marriage to her husband an Australian resident

At the wedding her parents gave her gold jewellery weighing about 1 kg (850 gms to be exact) costing about \$65,000. Her husband demanded dowry cash and Ms R 's father said he gave him about \$90,000 at the time of the wedding.

Ms R 's husband pressured her father to transfer one of their family properties in Ms R's name at the time of their wedding. With some hesitancy he transferred the property in her name. The rent of that property is currently being used by husband's family .

Her father said three years after her marriage Ms R visited India for 3 weeks for a family wedding. During that visit she complained to her parents that all her gold, nearly 1 kg of it and silver 2.5 kg was forcibly taken by her mother-in-law in 2015 for “safe keeping”. Ms R was very upset .

### Life in Australia

Her husband arrived in Australia as a post graduate student in information technology . After his marriage he wanted to start franchise business . He told Ms R to ask her father to send \$50,000 approx. Her father said they complied with his demands to support their daughter's marriage. He later returned the loan back to father. .

Ms R husband bought a house in Sydney but the loan was only in her name.

Ms R told her parents that she was working full time but always felt pressured for something or another. She had to cook and clean for the extended family while holding a full time job. She was being criticised and felt under constant pressure by her husband and mother-in-law. Mother-in-law often said that her father should give money to help them.

Ms R 's brothers visited her and saw her husband being violent against her. They were not sure what the exact circumstances were but she pressured them not to tell her parents. She told her parents that she wanted a baby but she was not falling pregnant. Her husband and mother-in-law started blaming her and called her infertile.

In summary, the two murders and two suicides of Indian women in Australia since 2005 demonstrates the reasons cited in research why Indian women have the highest rate of suicide in the world when compared to women globally , except that of China that has a

similar high suicide rate among women . Dr Vijaykumar , a Psychiatrist based in Chennai India and an expert on suicide in women in India writes “*Another distinctive form of abuse in Indian society is associated with dowry disputes. In India, dowries are a continuing series of gifts endowed before and after the marriage. When dowry expectations are not met, the young bride may be killed or compelled to commit suicide, most frequently by burning, suicide by burning amongst women is a major concern in India as it has become pervasive throughout all social strata and geographical areas. In a cohort of 152 burned wives, 32 (21%) were immolation suicides, and were associated with dowry disputes, these suicides occurred 2–5 years after marriage*” (Vijayakumar, L. (2015).

Both Australian-Indian women who committed suicide in Melbourne were exposed to similar issues . Both women were wives and daughters-in-law , newly married who were harassed, criticised, coercive demands for money from husband and his family, pressure put upon the new bride to obtain money, property , gifts for years after marriage (gifts given for up to 7 years after marriage are defined as dowry in Indian law) , domestic servitude, pressure to earn money that was controlled by the husband , and blamed and called names, as in the case of Ms Pendurthi who was called “infertile” because she could not have a baby.

Action Research conducted in Victoria published also found links between domestic violence, emotional abuse, patriarchal system and humiliation in the Indian Australian community with continuous demands and criticisms by a groom’s family about insufficient dowry offerings (Collucci and O’Connor et al 2013; O’Connor and Colluci 2015 . papers attached as Appendix 2,3 ).

The mental health impact of dowry abuse , criticisms of insufficient dowry has been shown to be profound in the Indian and Australian research . Depression, suicidal ideas , anxiety and post-traumatic stress disorder are recorded ( O’Connor and Ibrahim 2018 . Paper attached as Appendix 4; Chowdhry and Patel 2008) .

**Recommendation #11. Commonwealth of Australia to undertake a review of the existing slavery and trafficking legislation in relation to family violence and arranged marriage with migration. Education of relevant authorities is needed to the enhance identification and referral of trafficking and slavery offences when they occur within a domestic setting/familial relationship: this should include recognition that situations akin to human trafficking, forced labour, domestic servitude and other offences under the Commonwealth legislation occur within the context of partner migration.**

## **Immigration issues**

1. Dowry is being given in India and the marriage breakdown is occurring in Australia, and there is little protection for women. Different categories of visas puts some temporary migrant women at a great disadvantage. If they are on a partner visa that offers a pathway to permanent residency. For women who are on such a partner visa, there are provisions in the Migration Act that enable women to access permanent residency if a relationship breaks down due to family violence, via the family violence provisions, as summarised . For women who are not on this pathway – most often women not on temporary partner visas –there is no such safety net . Ms E ‘s case described below is a case in point . She continues to receive treatment for severe anxiety and depression, with symptoms of post-traumatic stress disorder. She has very little income , she has no rights to Centrelink benefits , she lives in a refuge. Her grief is profound for a number of reasons-the loss of cherished dream of happy marriage, of a good life in Australia , feeling cheated and humiliated , financial loss to her parents who themselves are suffering depression, loss of her massive dowry that has not been able to be reclaimed. His parents have returned the car in dilapidated state. But neither her gold jewellery that was taken over by her mother in law, nor the household items given at the time of wedding , nor the cash handed to the groom has been returned . All this in spite of cases lodged with Police in India , letters through lawyers , and failed mediations in India initiated by her father since the past two years.

2. Laws in the two countries –India and Australia are different around dowry reclaiming and abuse . This is leaving women vulnerable. Giving, taking and demands of substantial gifts should be made illegal in Australia to protect immigrant women .

3. Where the victims has children the perpetrators/ fathers put the children on airport watch and travel ban . They misuse the system citing the lack of Hague convention agreement by India they enlist the support of the courts and mentally torture the young women by refusing to give her permission to leave Australia for holidays with the child . Young women here are often alone without family support, and for them to travel back to visit their family in India is crucially important for mental health. Many cases in Dr O’Connor’s practice the young woman feel highly distressed and powerless to change the permanent state of travel ban of their children . The young mothers cannot return back to India to visit family accompanied with their children .

Ms B has a 2 year old baby girl. She was married in an arranged marriage in India .Both the husband his mother criticised, humiliated and harassed her for bringing “insufficient dowry” . Her husband refused to

give her permission to work in Australia , packed her bags and enforced her return back to India. She was pregnant , and after her delivery in India she returned back to Australia to work and live with her husband she loved . She felt her mother-in-law was jealous of her relationship with her husband and incited him to violence and Ms B was successful in obtain an IVO against her husband , and he was asked to vacate the family home . This enraged him . He next put the 2 years old baby girl on airport watch citing lack of Hague Convention treaty with India . She has given guarantee to courts that she is only going to attend the wedding of her brother and will return back to Australia . She has a job here and for her as a divorced single mother life in India is tough. But the travel ban on the baby has not been removed and she continues to

For women migration issues can arise where the potential for women to have to leave Australia while their children with Australian citizenship remain in the country. (Segrave, M (2017)

Most often the situation where the woman is not given permission to work is related to the husband not being able to gain full control over her wages and bank account.

**Recommendation #8. It is highly recommended that courts recognise the frivolous nature of requests by fathers/perpetrators for airport watch and travel ban over their children accompanying their mother/victim. ACHRH recommends that such request are recognised as examples of ongoing abuse and control over the victim.**

5. The Victorian Royal commission into Family Violence report states that “people from CALD backgrounds without permanent residency can feel they are unable to leave an abusive relationship because doing so will have consequences for their visa status – for example, possible deportation to their country of origin and loss of their children. Uncertain visa status can be Temporary Migration and Family Violence: An analysis of victimisation, vulnerability and support used by abusive partners or other family members to threaten and control women: a considerable power differential arises when a woman’s partner has permanent residency and she does not. A CALD victim can also be threatened by potential withdrawal of sponsorship of their permanent residency application, having their visa cancelled or having other family members deported. Additionally, they can face harm or ostracism from their family and community if they leave their relationship and return to their country of origin. (VRCFV 2016, vol. 4, pp. 109–10).

The case of Ms P is instructive. She is a highly educated IT specialist and a banker , arrived here after an arranged marriage on partner visa. Her husband decided to withdraw his support for her partner visa just as her Permanent residency Visa was about to arrive. He wanted control of her bank account and her wages . She refused to comply with both his wishes. He is a controlling man . This refusal was seen as an insult to his control and power . Without telling her he withdrew his support for her partner visa and told her to leave

his house immediately late one evening . She begged him to not throw her out. She said she is alone in the country with no support system . He was angry, rude, insistent and she had to move out to live with a distant acquaintance. She suffered severe anxiety and panic attacks and depression requiring anti-depressant medication. She felt unsupported and vulnerable and fearful of returning back to India due to fear of stigma of a divorce. . Her husband told the Immigration authorities that she married him to obtain an easy permanent residency of Australia . Her permanent residency visa has still not arrived a year later . She lives in Australia on bridging visa of uncertain status.



The perpetrator/husbands are abusing the system by enlisting the departmental support on false premises . The perpetrators recognise the vulnerability of women and take full advantage of their power over immigrant partners. The arranged marriage is far more meaningful with deep cultural meaning for Indian women than it is to their Australian-Indian husbands . It often takes just a few months and lack of regard for the cultural meaning of arranged marriage, a self-centred greedy gesture and abuse of power they choose to discard her after subjecting her to mental torture and physical violence . For the women it spells the end of their dream life as a married woman. In India the life of a woman is successful only when she is married. Hence this marriage means loss of respect, loss of status and loss of new identity forced upon her by society and implemented by families. The laws are needed to protect migrant women on temporary or permanent visas in Australia

The uncertainty of long-term support for women and their children, and the lack of adequate practical support for women has serious impact on women's welfare , chronic stress impacts their physical health and their mental health . It also interferes with their ability to access migration services that are very expensive to pursue their human rights.

**Recommendation 13 : ACHRH recommended that courts, the Immigration and Border Protection Department recognise the frivolous nature of claims by perpetrators that they were trapped to marry their wife in India in an arranged marriage, and that it was an elaborate trap to obtain permanent residency of Australia by their abandoned wife.**

**Recommendation 16 : All victims of family violence on temporary visas should be entitled to receive essential services such as Medicare, Centrelink and housing support.**

### **Commonwealth Legislation ( Family Law Act (Cwth) 1975)**

Since Dowry is not a concept that the courts are attuned to considering in the normal course in Australia, it is important that Dowry be introduced as a separate concept by way of example in the legislation so that the asking or taking of it can be included as a form of economic abuse and also that it may be returned to the victim (protected person) under directions of the court .

The commonwealth Family Law legislation has provisions that allow for economic

contributions to be taken into account at the time of divorce proceedings. When determining how to divide marital property, courts are required to take into account a range of financial and non-financial contributions made by each party to the marriage including direct and indirect financial contributions. It would be helpful to include dowry as a financial contribution made by the woman (victim) and that contribution be taken into account when dividing marital property so that the woman(victim) gets the benefit of it. Where the groom gives dowry as in the case of some African communities the woman is unable to leave the marriage as she has been “paid for”. The Commonwealth Family Law provision when dividing the property needs to take into account the powerless position of the women where bride-price has been paid by the groom .

We also urge that the definition of Dowry should be clarified in the Australian Legislation as Gifts in cash or material goods that are out of proportion to the family income, and that are given and/or expected for up to seven years after marriage . And as in the Indian definition to include any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage, or by the parent of either party to a marriage or by any other person, , to either party to the marriage or to any other person at or before or any time after the marriage, in connection with the marriage of the said parties, whether or not that property or security is given in Australia or any other country.

We also believe that where Australian Legislation is amended to make the taking and giving of dowry a punishable offence, the punishment prescribed should be stringent for the perpetrator and his extended family .

**Recommendation 17 : The legal protections should cover cases of Dowry related coercive demands and confiscation of dowry by the perpetrators family.**

Dowry abuse is a significant multi-national social issue that cannot be ignored. Based on service providers comments in Australian and the South Asian women in Australia , India, NZ, UK who have been victims of dowry-related violence we feel strongly that there ought to be particular protections in the INTERNATIONAL laws, without which they feel exposed to

further violence.

**Recommendation 18: ACHRH recommends Australia initiates a UN based advocacy for a multi-faceted response in all western host nations who accept migrants. The response based on Heiss ecological diagrammatic conceptualisation of violence <sup>16</sup> against women should be social, cultural and legal, supported by strong economic policies.**

### **Report prepared by**

Dr Manjula O'Connor

Executive Director , Australasian Centre For Human Rights And Health

Dr O'Connor would be pleased to provide further information and appear at the hearing if so required by the Senate.

### **Contact details**

Email:

Mobile-

Address--

### **Attachments**

1. Appendix 1- O'Connor Manjula . 2017. Dowry related Complex Post Traumatic Stress Disorder. Australasian Psychiatry .  
March 27.
2. Appendix 2- O'Connor M & Colluci E. 2015. Exploring social distress in Domestic Violence in Australian Indian Migrant Women through Participatory Community Theater. January 2016, Journal of Transcultural Psychiatry
3. Appendix 3- Colucci, E., O'Connor, M., Field, K. Baroni, A., Pryor, R., & Minas, H. (2013). Nature of domestic/family violence and barriers to services among Indian immigrant women. *Journal*

*Alterstice*, special issue *Family Violence in Culturally Diverse Communities* .

4. O'Connor Manjula and Ibrahim Samir. 2018. Suicidality in victims of family violence- comparison of two cohorts of migrants presenting to outpatient mental health clinics .*Australasian Psychiatry*. April 3,

## **References**

5. Al je zeera . Australia's dowry deaths . Published on Jun 30, 2017. <https://www.youtube.com/watch?v=nGA51ce1T9I>
6. Babu, G. R., & Babu, B.V. (2011). Dowry deaths: A neglected public health issue in India.

i

---

*International Health*, 3(1), 35–43.

7. Banerjee, Priya R. (2014). "Dowry in 21st-Century India: The Sociocultural Face of Exploitation". *Trauma, Violence & Abuse* 15, no. 1 (January 2014): 34.
8. Chowdhary, N., & Patel, V. (2008). The effect of spousal violence on women's health: Findings from the Stree Arogya Shodh in Goa, India. *Journal of Postgraduate Medicine*, 54(4), 306–312.
9. Colucci, E., O'Connor, M., Field, K. Baroni, A., Pryor, R., & Minas, H. (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. O'Connor M & Colluci E. 2015. Exploring social distress in Domestic Violence in Australian Indian Migrant Women through Participatory Community Theater. January 2016, *Journal of Transcultural Psychiatry*
11. O'Connor Manjula . 2017. Dowry related Complex Post Traumatic Stress Disorder. *Australasian Psychiatry* . March 27.
12. O'Connor Manjula and Ibrahim Samir. 2018. Suicidality in victims of family violence- comparison of two cohorts of migrants presenting to outpatient mental health clinics .*Australasian Psychiatry*. April 3, 2018.
13. Segrave, M (2017) Temporary migration and family violence: An analysis of victimisation, vulnerability and support. Melbourne: School of Social Sciences,

Monash University. ISBN: 978-0-6481378-1-8

14. Victorian Royal Commissions into Family violence . 2016. Recommendation 156
15. Vijayakumar, L. (2015). Suicide in women. *Indian Journal of Psychiatry*, 57(Suppl 2), S233–S238. <http://doi.org/10.4103/0019-5545.161484> )
16. Heise LL Violence against women: an integrated, ecological framework. *Violence Against Women*. 1998 Jun;4(3):262-90.