



About United Indian Associations Inc

United Indian Associations Inc. (UIA) is NSW's largest Indian Association established in 1994 to serve the Australian Indian community at large. As a premier umbrella organisation, UIA serves the Indian diaspora in Australia by engaging in social and community development.

Objectives of UIA

- To promote a harmonious relationship amongst Australian citizens, Indian migrants and the society in general by cultivating mutual respect through increased social interaction, sports, recreation and other voluntary activities of significant community benefit
- To act as a channel of communication between the Australian Indian community (hereinafter referred to as Indians), the Federal, New South Wales Government, Local Government and the Indian Government, on welfare, social and economic matters
- To undertake welfare work for the benefit of New South Wales on behalf of the Indian community
- To celebrate the cultural activities of all Indian communities with their co-operation
- To establish facilities and to do all such other lawful activities as are incidental or conducive to the attainment of the purposes of the United Indian Associations Inc.
- To encourage and foster the development of Indian languages and culture within the Australian context
- To create a benevolent fund for the benefit of the members of the Indian Community and appoint trustees to manage the fund

Vision :

To transform, support and embrace the Indian migrants enabling them to settle in Australia and make a positive contribution to their adopted country.

Mission

Be United, Show Integrity, Be Accountable.



Submission to Senate Inquiry

The practice of dowry and the incidence of dowry abuse in Australia

Addressing Terms of Reference:

(a) Extent and nature of knowledge regarding cultural attitudes to, the practice of, and the prevalence of dowry in Australia, both before and after marriage

Extent of practice of dowry is seen more in newly arrived migrants. While dowry is illegal in India, it is still socially observed in the form of so called "voluntary" gifts provided at the time of marriage – this could be in the form of jewellery, cash gifts, household items and appliances, car etc. There is an expectation that the bride's family will provide a dowry in the form of gifts. The amount increases as per social standing. Many who travel to India to find brides condone this and while may not verbally demand a dowry, there is an expectation and acceptance of "the way it is done here".

New migrants who go back to marry often see this as a business transaction – with many wanting to migrate overseas – they are willing to pay to ensure their daughters are able to settle overseas and then in turn are able to sponsor their permanent residence visas or help their siblings to settle overseas.

In this case, very often it involves all costs of sponsorship of spouse visas and fees, airfares for groom and spouse, deposit on house, purchase of new car, holidays, jewellery and cash gifts to groom and his family members etc. Very often it continues way beyond the early years of marriage particularly until the spouse obtains permanent residence visa, the threat of cancelling sponsorship and returning to India regularly used and being the source of silence in cases of domestic violence.

With those who have settled here over a long time and have children born here, it takes the form of expensive wedding celebrations very often largely funded by the bride's family.

(b) 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

Dowry as a cultural practice in modern Australia is totally unacceptable and inappropriate. It is very important to make this practice illegal in Australia and community education undertaken to ensure it is not practised in Australia. Criminal consequences must be imposed as a deterrence.

(c) 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

UIA Women's Steering Committee works closely with the Indian Consulate to support Indian women in distress. Many who have sought assistance have reported dowry abuse, family violence, financial abuse, domestic servitude. When coupled with having to settle in a new country without any family support this has resulted in adverse mental health outcomes.

This is seen mainly in the case of those who are on temporary spouse visas or visitor visas pending lodgement of temporary spouse visas. Threat of sponsorship withdrawal is used to extract more dowry even after marriage and has been a cause of silence on domestic violence and not reporting or seeking help. Very often the mental abuse is continued long distance by groom's mother and extended family.

Social stigma of failed marriage, returning to India with no job and impact on other siblings marriage prospects, loss of money already spent on the wedding by their parents are some of the reasons why most continue to suffer silently in these situations.

(d) 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

It is felt that the Australian family law system does not understand the cultural sensitivity and prevalence of dowry system and application of Indian law in divorce cases. Divorce and property settlement proceedings are unable to recognise the extent of dowry paid particularly as much of it is paid overseas.

Many also lodge claims in Indian courts but these take a long time to process. There is a need to interact with Indian courts in cases where simultaneous applications are made.

Many countries review the relevant aspects of the country of origin's marriage laws when considering local divorce applications to ensure no disadvantage to the victims.

(e) 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

One of the issues with Australia's migration program is that spouses are not held accountable for their sponsorship obligations such as guarantee of maintenance. Very often, due to domestic violence and dowry abuse, the temporary spouse is deserted and have no financial means to support themselves even to be able to secure shelter and migration agent support for their application for permanent visa under the special domestic violence protection clauses of Migration Act. It is recommended that until their application is resolved by Department of Home Affairs, the spouse is required to provide maintenance support which they have undertaken to provide.

(f) The Adequacy of Australia's migration law system in terms of addressing dowry and dowry abuse, including:

- a. Extent to which the requirements for spouse and family visas may enable or prevent dowry abuse**

- b. Vulnerabilities experience by women suffering dowry abuse as a result of temporary migration status, including disincentives to report abuse and the ability of victims to access the family violence protections afforded by the Migration Act 1958 and associated regulations, and**
- c. Recommendations for changes if necessary**

Most new migrants are unaware of the family violence protections afforded by the Migration Act 1958 and associated regulations. UIA has been spreading the message and educating the community on this as part of our domestic violence awareness seminars.

As mentioned before, temporary migration status and the threat of withdrawal of sponsorship is rampant and a major cause of victims not reporting abuse or seeking assistance.

(g) 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

It is highly recommended that first line responders such as the police, doctors, hairdressers, community leaders and priests – those who are likely to be the first to spot domestic violence are trained in the cultural sensitivity of dowry abuse and how to support victims identified. Community education programs need to be provided with adequate funding as this is the most effective first line of support and access for victims.

(h) 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 in the Australian context

Most of the offenders often do not return to India and are often out of the reach of the Indian courts where the cases are lodged. Extradition treaties must be entered into to enable the offenders to face the courts in India. Also, Department of Home Affairs should record the reported cases in an immigration database which needs to be cross checked every time a spouse visa is applied for as there are many repeat offenders. This will also reduce those marriages which are only business transactions.

(i) 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 of laws need to be strengthened and

(j) Any other related matters

As mentioned above, it is highly recommended that dowry made illegal in Australia and dowry abuse be criminalised with suitable punishment as a deterrence.

Submitted by:

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Founder Member & Chair Women's Steering Committee

United Indian Associations

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