

Submission to the
Senate Standing Committee on
Legal and Constitutional Affairs
Inquiry into the practice of dowry
and the incidence of dowry abuse
in Australia

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About **safe steps** Family Violence Response Centre

safe steps Family Violence Response Centre is Victoria's 24 hour, 7 day per week statewide first response service for women (including women who identify as female or transfeminine), young people and children experiencing family violence. **safe steps** provides a critical service intervention, including support, accommodation, advocacy and referral throughout Victoria and nationally. In partnership with fellow statewide providers DV Connect Queensland and Women's Safety Services South Australia, **safe steps** is also a provider of specialist trauma counselling on behalf of the national sexual assault, domestic and family violence counselling service, 1800 RESPECT.

safe steps is committed to ensuring all women and children are able to live free from abuse, and our ultimate goal is the elimination of family violence. We work toward this through a respond-prevent-recover framework, which is underpinned by our three strategic pillars of empowerment, influence and sustainability.

We acknowledge that family violence is inherently gendered in nature, with the overwhelming majority of family violence perpetrated by men, against women.

Our contributions to policy and legislative reform are evidenced-based, informed by a feminist framework and prioritise the safety and wellbeing of women, young people and children.

We welcome the opportunity to provide input to the Senate Legal and Constitutional Affairs References Committee ('the Committee') regarding its inquiry into the practice of dowry and the incidence of dowry abuse in Australia. We would be happy to discuss further any of our feedback in this submission.

Our approach

In preparing this submission, we spoke to **safe steps** phone support staff and support staff at our Safehouse. We also analysed relevant internal service data from the period 1 July 2017 and 30 June 2018. All references to clients in this submission have been anonymised.

Recommendations

safe steps recommends that the Federal Government take the following measures to combat dowry-related abuse in Australia:

- Work with women and men within relevant communities, including victim-survivors, to develop approaches to address dowry abuse in Australia.
- Ensure any measures taken to address dowry abuse do not vilify specific communities or contribute to racism.
- Develop training and education for family violence services, universal services and institutions (including police) to increase awareness of dowry practice and abuse in Australia. This training should be mandatory, promote a nuanced understanding of the different types of dowry practice among different cultures, alert services to the barriers for women in reporting dowry abuse (language, shame and honour, uncertain/temporary visa status) and be informed and ideally delivered by people from relevant communities.
- Require family violence services, universal services and other relevant organisations to collect data regarding clients who have experienced dowry abuse, to identify the scale and nature of the problem.

- Ensure there is nationally-consistent legislation banning dowry-related abuse and identifying it as a form of domestic/family violence.

To address the intersecting issues present for women experiencing dowry abuse on temporary visas, we recommend that the Federal Government do the following:

- Expand access to the family violence provisions under the *Migration Act 1958* and associated regulations to include all dependent visa categories.
- Introduce temporary visa provisions for those seeking to flee domestic and family violence to allow time and space for victim-survivors to make plans to leave a dangerous situation, without the threat of immediate deportation.
- Change policies guiding the Department of Immigration's assessment of a person's eligibility for the family violence provisions under the *Migration Act 1958* to require assessment of the presence of family violence in the relationship prior to establishing the existence of a 'genuine relationship'. This would ensure that relationships impacted by violence are evaluated in an informed and appropriate way that does not risk further traumatising the victim-survivor.

Introduction

Dowry-related violence was discussed by Victoria's Royal Commission into Family Violence in 2016, the final report noting that "*misuse of dowry was a 'substantial problem' and a particular concern in Indian, Pakistani, Sri Lankan and, increasingly, Middle Eastern communities*" and that it plays a "*'significant adverse role' in leading to emotional and physical abuse and has harmful impacts on mental health*".¹ The exact prevalence of dowry related family violence is unknown in Australia², but there have been at least two dowry-related murders reported in Victoria over the past few years³. In response to Recommendation 156 of the Royal Commission, Victoria this month passed a bill amending the *Family Violence Protection Act 2008* to include forced marriage and dowry-related abuse.⁴

At present, Australia does not have nationally-consistent legislation making dowry practice and abuse illegal, despite the fact that it has been banned in many of the countries which have traditionally practiced dowry.⁵ Dowry practice is at odds with Australia's commitment to gender equality and human rights. The concept of dowry can be seen to be grounded in outdated notions of women as property for men to own, and its practice often results in abuse, trauma and even death for women.

safe steps notes that any critique of dowry in Australia must be nuanced and actively avoid denigrating particular cultural groups or contributing to existing racist narratives.

According to **safe steps** staff, dowry is raised regularly by women accessing our service. We know, however, that there are likely to be many more experiencing this type of family violence who will not access family violence services, often because they either do not recognise it as such or are concerned about the implications of doing so for themselves and their families. Our staff have told us that there are varying degrees of knowledge and understanding of dowry practice and dowry-related abuse among individual practitioners in family violence specialist services (including our own). Staff also noted that, in their experience, many police officers do not recognise or understand dowry practice and abuse. We discuss this further below.

Data on dowry practice and abuse

safe steps holds limited data on dowry practice and abuse. This is partly due to the nature of our service, which predominantly assists women in crisis; meaning that many telephone conversations do not allow for extended conversations, but focus on immediate risk assessment and safety planning. It is also because Victoria's current family violence risk assessment framework does not require staff to routinely question clients about the presence of dowry. There are also limitations for our service in reporting on additional information recorded in case notes on our client management system, SHIP (the Specialist Homelessness Information Platform, used by the majority of homelessness and family violence services in Victoria). It is only possible to collate such data manually.

¹ State of Victoria, Royal Commission into Family Violence: Report and recommendations, Vol V, Parl Paper No 132 (2014–16): 113.

² O'Connor M and Colluci E. Exploring domestic violence and social distress in Australian- Indian migrants through community participatory theater. *J Transcultural Psychiatry* 2016; 53: 24–44.

³ Aragoon A. Dowry links to murder and family violence. *The Herald Sun*, 23 April 2015, p.3, <http://www.heraldsun.com.au/news/law-order/dowry-link-to-murders-and-familyviolence-in-victoria/news-story/65da7055d98a3eece3435076fbacff70>

⁴ *Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018* [http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/PubPDocs.nsf/ee665e366dcb6cb0ca256da400837f6b/E510BF2E1AA1A1C4CA2582A30077CB80/\\$FILE/581453bs1.pdf](http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/PubPDocs.nsf/ee665e366dcb6cb0ca256da400837f6b/E510BF2E1AA1A1C4CA2582A30077CB80/$FILE/581453bs1.pdf)

⁵ India banned dowry practice in 1961.

For the purposes of this submission, we performed manual analysis of data in relation to clients born overseas (19%), but were unable to analyse data for women born in Australia due to time and resourcing constraints.

During the period 1 July 2017 to 30 June 2018, out of a total of 10,503 clients who accessed our service, approximately 19% were born overseas. Below are some observations with regard to this client cohort:

- 0.4% mentioned “dowry” to **safe steps** staff.
- 50% reported that the perpetrator was their husband; the other 50% identified that a parent-in-law was the perpetrator.
- the majority were born in India and Bangladesh.
- 33% of the women from India reported that their marriage was arranged and their parent-in-law was the perpetrator.

During this same time period, out of 150,000 brief, one-off calls to **safe steps** that did not progress to the assessment or case management stage, “dowry” was only recorded in relation to four of these calls. It is important to note that the issue of dowry may have come up in other calls but was not recorded by staff.

Reports of dowry abuse

“It’s easy to say, oh, don’t give in, and just walk out. But in these cultures, when you marry, you leave the marriage when you’re dead – that’s how it’s looked at... you’re just bringing shame on the family, you can’t return back to [your home country] because you’re married and that’s your deathbed”.

- **safe steps** staff member

General observations

We asked staff to identify common themes raised by clients accessing our service in relation to dowry. Staff stated that:

- Dowry abuse was raised by women from a variety of cultural backgrounds and was present in “love marriages” as well as arranged and forced marriages.
- There are different forms of dowry practiced by different communities and these practices impacted differently on women’s safety and wellbeing.
- Most forced marriages have some kind of monetary exchange, whether it is a dowry or not. It is often arranged overseas before they come to Australia.
- Dowry-related abuse is often perpetrated by extended family members, as well as a woman’s husband.
- It was common for women to contact our service a few years into their marriage raising dowry abuse.
- They are not aware of clients ever getting any dowry back/being reimbursed.
- Culturally, dowry practice is often associated with honour, and a woman can be reluctant to report abuse or leave a marriage due to the potential for shame to be brought upon her and her family.
- Dowry abuse can be severe and, in some cases, leads to death.

Dowry paid to husband by wife and her family

Many staff comments related to instances in which dowry was a payment (or payment in kind) to the husband and his family by the wife’s family. Common issues include:

- The husband and/or his extended family claiming that the dowry payment (or payment in kind) is insufficient.
- If the husband's family lives in Australia, they are often actively involved in the dowry negotiations. If they reside overseas, they will demand money from there via the husband.
- Ongoing, coercive demands from the husband/husband's family for more money from the wife's family than was originally agreed upon, to pay for things like improvements to property, deposits for property, rent, the children's education and the husband's education.
- Women being forced to work until the dowry is paid in full by her parents. Staff noted that many women are "pretty much human slaves". If it is paid work, women have no access to their wages, which are kept by the husband and/or his family.
- The wife's family often still lives overseas in their home country. The money demanded of them by the husband's family constitutes an enormous financial burden, particularly given that their home country's currency is usually much weaker than the Australian dollar.
- Staff noted that continuous demands for dowry are possible because a husband's family knows that *"the wife needs to be in the marriage, she cannot leave"*. Her family will not *"just pull her out of it"* given that *"honour and shame is attached to marriage"*.
- A staff member told of one case in which a client's family was asked to pay for her four children's education, her husband's education in Australia, and monthly payments for rent: *"[My client] was crying over the phone, she was saying... 'my family has got nothing left, they have sold everything to help us with rent'. Her family had to actually transfer money every month for rent"*.
- *"If [the husband] is more educated than [his wife], then her family have to pay for his education. If his parents have invested, say, \$10,000 in his university education, then her parents have to give his parents \$10,000 because that's how much it has cost to raise and educate our son to marry your daughter."*
- One staff member stated that women's attitude in relation to dowry is often that, *"I've been paid for, they paid so much, so I have to..."*, and indicated the impact that this can have on their mental health: *"[this attitude] comes with the worst mental health – the worst of the worst."*

Dowry paid by husband for wife

In relation to marriages which involve a husband making a payment for his wife, staff noted the following issues:

- That the status of the bride price payment (whether incomplete or paid) can impact on whether the children belong to the maternal or paternal family.
- *"the information that's coming back to us via our clients is that they are told by the perpetrator that, 'I paid \$15,000 for you; you're going to do what I want, how I want, when I want'. And that is how they are treated."*

Dowry in Islam

According to one of our staff members, dowry in Islam is usually a payment to the bride from her family, rather than a payment for the couple, as in some cultures. The amount is specified in the Islamic marriage contract and the groom has no legal claims to the money: it is hers for the course of the marriage. If a woman leaves the marriage and wants to recoup this money from her partner, she can request assistance from her local mosque (as the dowry payment is not generally recognised under Australian law).

Women without dowry

Some staff highlighted the pressures on women who did not “come with any dowry”: *“A lot of the abuse was themed around the fact that she didn’t have an income and didn’t come with any dowry, so she wasn’t improving his quality of life sufficiently”*. Staff reported that these women may be forced to borrow money from their family or friends (often living overseas) to satisfy the financial demands of their husbands. As they are unable to pay back the money they have borrowed, returning to their home country may then become an unsafe option as they could face retribution from their community.

Intersection of dowry abuse and temporary migration status

Comments made by **safe steps** staff indicated that dowry-related family violence was often exacerbated by the temporary visa status of clients, as it created an additional layer of vulnerability and uncertainty. These issues are present for women without permanent residency experiencing domestic and family violence whether the violence is specifically related to dowry or not. Staff believed that the following intersecting factors made women less likely to report abuse until they were at crisis point:

- The precarious nature of their living situation
- Work restrictions and ineligibility for government support payments
- The isolation of living in a new country
- The fear of deportation to their home country (including removal of children) and the shame that this might bring upon their family.

Further, staff comments echoed the findings of the Royal Commission that *“In some cases a man will use a prospective entitlement to permanent residency in Australia as a bargaining tool to attract a higher dowry price from his future spouse and her family”*.

Other comments and observations made by staff included:

- A husband/husband’s family often uses the fact that a woman’s visa status is dependent upon her husband’s permanent residency to intimidate her. He often threatens to cancel her visa and have her deported home.
- One staff member stated that *“Very few women who want to return to where they’ve come from; 99% of them want to stay in Australia”*.
- Another described the consequences for a client if she returned to family in her home country: *“One of the women said that if she returned home, she’d be resold to another man... If her coming home would put extra pressure on the family, then her siblings – two boys – would be sold off elsewhere”*.
- Even if there is technically no “dowry” payment, a husband may have paid thousands of dollars for his wife’s partner visa, or her airfare to Australia. Husbands often confiscate a woman’s passport until “she pays him back”.

Lack of understanding by police

Staff stated that police do not generally have an understanding of what dowry is. This was also raised as an issue by the Royal Commission.⁶ Staff told of reporting dowry-related abuse to police, only to be told that they could

⁶ Ibid: 113.

not do anything because it was an “Indian currency gift”. Language barriers also exacerbate the problems victim-survivors face when reporting dowry abuse to police.

Recommendations to prevent dowry abuse in Australia

Informed by our discussions with staff, **safe steps** recommends that the Federal Government take the following measures to combat dowry-related abuse in Australia:

- Work with women and men within relevant communities, including victim-survivors, to develop approaches to address dowry abuse.
- Ensure any measures taken to combat dowry abuse do not vilify specific communities or contribute to racism.
- Develop training and education for family violence services, universal services and institutions (including police) to increase awareness of dowry practice and abuse in Australia. This training should be mandatory, promote a nuanced understanding of the different types of dowry practice among different cultures, alert services to the barriers for women in reporting dowry abuse (language, shame and honour, uncertain/temporary visa status) and be informed and ideally delivered by people from relevant communities.
- Require family violence services, universal services and other relevant organisations to collect data regarding clients who have experienced dowry abuse, and use this to build a picture of the scale and nature of the problem.
- Ensure there is nationally-consistent legislation banning dowry-related abuse and identifying it as a form of domestic/family violence (as in a recently passed Victorian bill⁷). Although it is a form of economic abuse, **safe steps** believes dowry abuse should be explicitly named to encourage greater awareness of its specific potential for harm.

To address the intersecting issues present for women experiencing dowry abuse on temporary visas, we recommend the following:

- Expand access to the family violence provisions under the *Migration Act 1958* and associated regulations to include all dependent visa categories.
- Introduce temporary visa provisions for those seeking to flee domestic and family violence to allow time and space for victim-survivors to make plans to leave a dangerous situation, without the threat of immediate deportation.
- Change policies guiding the Department of Immigration’s assessment of a person’s eligibility for the family violence provisions under the *Migration Act 1958* to require assessment of the presence of family violence in the relationship prior to establishing the existence of a ‘genuine relationship’. This would ensure that relationships impacted by violence are evaluated in an informed and appropriate way that does not risk further traumatising the victim-survivor.

⁷ *Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018*
[http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/PubPDocs.nsf/ee665e366dcb6cb0ca256da400837f6b/E510BF2E1AA1A1C4CA2582A30077CB80/\\$FILE/581453bs1.pdf](http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/PubPDocs.nsf/ee665e366dcb6cb0ca256da400837f6b/E510BF2E1AA1A1C4CA2582A30077CB80/$FILE/581453bs1.pdf)

Conclusion

Despite many countries banning dowry practice due to its potential for harm to women, dowry is not unlawful in Australia and dowry-related abuse forms part of many women's experiences of family violence. As Victoria's statewide telephone service for women and children experiencing family violence, **safe steps** interacts with a high volume of clients every day and our staff attest to the prevalence of this type of abuse. We hope that this inquiry will explore approaches to increase awareness, improve service responses and reduce the incidence of dowry abuse to keep women and children safe.

We thank the Committee again for the opportunity to provide feedback and would welcome the chance to contribute further to this inquiry in future. For more information about any of our feedback, we can be reached as per the contact details provided on the first page of this submission.