

inTouch Multicultural Centre Against Family Violence provides leading edge services to support women, families and communities from migrant and refugee backgrounds who are affected by family violence. We work across the family violence continuum from prevention to early intervention, crisis, post-crisis and recovery. We are committed to changing lives and communities and strive to create a world where multicultural women and their families live free from violence.

The definition of Dowry

At its best, dowry is the tradition of gift-giving around the time of marriage. It is part of the marriage ritual in many cultures around the world, and can include a gift of money from the woman's family to the man's family or vice versa. There is no set amount of dowry expected as part of a marriage, but there have been reported cases where the dowry can be as much as twice the average household yearly income or more. Recently, a victim-survivor declared to their inTouch case manager that her parents paid \$80,000 Australian dollars plus gifts of gold and household items to her future husband and family.

Dowry Abuse

Dowry can be used as a form of economic abuse in a relationship. It is often a catalyst for the perpetrator to exert pressure, unreasonable expectations and ongoing demands on a woman. It can lead to physical, psychological, economic or sexual abuse, or sometimes even suicide or death. Retaliation or shaming against the woman's family in their home country can also create ongoing harmful effects.

inTouch's position on Dowry Abuse

Family violence is a violation of human rights. It is deeply harmful to all societies and cultures and unacceptable in any and all of its forms – coercion, threats, physical, emotional, psychological and economic, as well as dowry abuse and forced marriage.

If women do experience family violence, they should be allowed to exercise their legal rights and access services that will support them to leave the abusive relationship and be provided with a safe place.

Incorporating dowry abuse within the legal definition of family violence would trigger appropriate responses in terms of policy and services. Dowry abuse must be addressed with a multi-pronged approach, with education and prevention key to tackling the issue.

DOWRY ABUSE IN AUSTRALIA

POSITION PAPER FEBRUARY 2019

inTouch welcomes Dowry Abuse Senate Inquiry recommendations

inTouch welcomes the recent Senate Standing Committee on Legal and Constitutional Affairs' report into the practice of dowry and the incidence of dowry abuse in Australia and supports the 12 key recommendations.

inTouch Chief Executive Officer, Ms Michal Morris, has commended the Committee for their work on the Inquiry and looks forward to working with all political parties to implement the recommendations which will make a significant difference to the many women experiencing dowry abuse.

Contact us

03 9413 6500
admin@intouch.org.au

intouch.org.au

inTouch supports and calls for the following actions in relation to dowry abuse:

- 1. That the Commonwealth Government include dowry abuse in its definition of family violence as a form of economic abuse, and that there is a national definition used across all Australian jurisdictions.**

Having a consistent definition across Australia will provide certainty to victims and deliver a strong message to perpetrators. Dowry abuse is a social problem present in Australia, and in order for our society to address it successfully, it needs to be recognised by law.

- 2. Amend the Migration Act 1958 (Cth) to:**

- **recognise explicitly under the family violence provisions that control and abuse relating to threats of deportation and threats of visa withdrawal constitute family violence**
- **allow visa subclasses, to be covered by the family violence provisions ensuring that women who have arrived in Australia on different visas, can access support in cases of family violence. For example: women on a visitor visa (subclass 600) who are married or in a de facto relationship with an Australian citizen and are eligible to apply for a spousal visa; and women on a prospective marriage visa (subclass 300) where you are allowed to come to Australia to marry your prospective spouse and then apply for a partner visa**
- **prevent offenders of family violence, including dowry abuse and forced marriage, from sponsoring future spouses to migrate to Australia.**

These amendments would challenge perpetrator's use of visa sponsorship to commit family violence and threaten a woman's visa withdrawal and deportation. This intimidation often prevents victim-survivors from seeking help for themselves and their children because they fear they will breach immigration law.

- 3. Resource the capacity building of specialist family violence, sexual assault and primary prevention practitioners, mainstream and universal services and organisations, to recognise, respond and refer family violence, including dowry abuse and forced marriage, in multicultural communities.**

Increasing the capacity of these services will develop an enhanced workforce that is skilled and knowledgeable in responding to family violence in multicultural communities, in a culturally appropriate manner. In turn, this will lead to earlier and more effective intervention and service responses.

- 4. Resource family violence prevention and awareness programs in migrant and refugee communities in Australia. Additionally, strengthen the Australian migration process to inform and educate all prospective migrants of Australian law in relation to family violence, the consequences for perpetrators, the rights of migrants to seek protection under the law, and, available support services.**

The development of these programs are critical in ensuring prospective and current migrant and refugees are aware of their rights and the laws surrounding family violence. This information needs to be delivered to each person, in language, at various points of the migration and resettlement process.

When dependent on a partner, a woman's immigration status can create additional vulnerabilities such as control and abuse relating to threats of deportation and visa cancellation. The recommended changes to the Migration Act and resettlement process offers a unique opportunity to educate prospective migrants and refugees that a sponsoring spouse does not have the power of deportation or visa withdrawal. This would offer a good starting point for all new arrivals to Australia.

Dowry abuse has only begun to attract attention over the past few years in Australia but at inTouch, its presence has been clear since the commencement of our service in 1984.

Case study: Prisha's story

Prisha¹ was referred to inTouch by a local service. She was a victim of family violence including dowry abuse. Prisha had an arranged marriage with an Indian man who had already migrated to Australia and become a citizen. After their wedding, Prisha moved from India to Melbourne on a partner visa. From the beginning of their married life, Prisha's husband complained that her family had not paid enough dowry. Shortly after, the demands for additional dowry started and he said to Prisha that if her parents did not send more money, she would be deported. Her husband threatened to sexually assault her sister and kill her family.

Prisha's husband forbid her to leave the home and to speak to the neighbours. She was unable to apply for a Medicare card and was prevented from seeking medical treatment. Over time, the abuse became physical. Prisha gained the courage to let her sister know about the abuse and was helped to contact the police. Her husband then proceeded to threaten her family overseas and made a complaint against his wife during the Intervention Order hearing in court, saying that she had married him to gain permanent residency in Australia. Meanwhile, Prisha was not even able to articulate what her status in Australia was because she did not know under what visa category she had been sponsored.

Prisha was the second wife that her husband had sponsored to come to Australia and his second victim of family violence and dowry abuse. Prisha was eligible to apply for permanent residency in Australia through the Family Violence Provision but has not been able to recover her dowry.

¹ Name changed