

17 August 2018

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Parliament House
Canberra ACT 2600
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Dear Committee

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

Thank you for the opportunity to make a submission to this inquiry. Our brief submission focuses on terms of reference A to E.

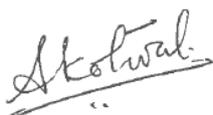
White Ribbon Australia believe that dowry abuse is a result of male privilege, that it reinforces gender inequality, compromises women's human rights and can lead to domestic and family violence. We endorse the submission made by Ms Jatinder Kaur of JK Diversity Consultants, which provides ample evidence of the nature and impact that dowry abuse has on women in Australia.

Since 2014, White Ribbon has been working with representatives from Indian communities through the White Ribbon Diversity and Inclusion Program. Dowry and dowry-related abuse is a key concern in these communities. Despite dowry being illegal in India and out of step with social trends, it continues to be demanded and given in some migrant families in Australia. At its worst, dowry is being used as a way to extort money from a woman's parents by threatening and/or abusing the new brides. There have been at least 12 known deaths of Indian women in Australia from 2009-2017.

White Ribbon supports the campaign by Dr Manjula O'Connor for nationwide laws criminalising the giving and receiving of dowry and outlawing dowry abuse. The success of this campaign in Victoria is something we hope to see replicated across the country and strengthened with investment in community education.

White Ribbon commends this inquiry into dowry abuse in Australia. The findings will shine a spotlight on this hidden, and sometimes deadly, cultural practice.

Regards



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Diversity and Inclusion Manager
For and on behalf of White Ribbon Australia

A: 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.

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.

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.

There is limited data on the prevalence of dowry and dowry abuse in Australia. However, there is strong evidence available on the nature of dowry abuse and the impact it has on women. We refer the Committee to the extensive research conducted by Dr Manjula O'Connor, and the submission to this inquiry made by Ms Jatinder Kaur, a Brisbane-based social worker and board adviser to Sikh Helpline Australia. Their expertise, practice wisdom and research gives important insights into the ongoing practice of dowry in Australia, the dynamics of this form of abuse, and the impact it has on women.

The dowry amount is generally negotiated by the families of the bride and groom before marriage and given during the marriage ceremony. This tradition is now being used as a way to extort money from women's families. Husbands and their families demand ongoing dowry payments and threaten to abuse the new wives if the demands are not met. The psychological and physical abuse leads to adverse mental health outcomes for women, including self-harm and suicide¹. Threats of visa cancellation and the social stigma and shame attached to being sent back to their home country by the husband prevent many of these women from seeking assistance².

Similarly, the practice of reverse dowry (also known as lobola or bride price) in African communities causes violence against women. The husband pays lobola (in cash or in kind) to the wife's family as a sign of gratitude for raising their daughter into a fine woman and allowing him to marry her. This transaction can result in the husband treating the woman as his property, and increase the woman's risk of experiencing intimate partner violence³.

B: 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.

White Ribbon Australia believes that the practice of dowry is a result of male privilege, that it reinforces gender inequality, compromises women's human rights and can lead to domestic and family violence. The recent inclusion of dowry-related abuse as a statutory example of family violence in Victorian law recognises the inappropriateness of this practice in modern Australia.

¹ O'Connor, M. & Swarup Asthana, M. (2015). *Refusal to comply with dowry demands contributes to family violence and death in Victoria*. Available: <http://www.rcfv.com.au/getattachment/43B1945E-83EC-490D-B1F9-73B44B79CC2E/Australasian-Centre-for-Human-Rights-and-Health>

² Amara, P. (2014). 'Shunned, beaten, burnt, raped: The dowry violence that shames Britain'. *The Independent*. Available: <https://www.independent.co.uk/news/uk/crime/shunned-beaten-burnt-raped-the-dowry-violence-that-shames-britain-9803009.html>

³ Matope, N. et al. (2013). 'Lobola and gender based violence: Perceptions of married adults in Gweru urban, Zimbabwe'. *Journal of Education Research and Behavioural Sciences*. 2:11, pps. 192-200. Available: <http://apexjournal.org/jerbs/archive/2013/Nov/fulltext/Matope%20et%20al.pdf>

Dowry is an ancient cultural practice, originally from India, where parents gifted their daughter jewellery and/or cash at her wedding as a nest egg, to be used in case of emergency. It started at a time when women were not financially independent. Some interpretations suggest that dowry was payment to the daughter in lieu of inheritance⁴.

In modern India, the inheritance is equally divided between sons and daughters and the Dowry Prohibition Act was passed in 1961. This should have eradicated the practice of dowry, however, it has instead spread around the world due to increased migration. A man can demand a premium dowry if he lives in a first world country outside of India, as it is believed that by marrying him the woman will lead a more comfortable life⁵.

This financial abuse has now escalated and the dowry payments, seen as an easy source of additional income, are being demanded on an ongoing basis. This can lead to physical, sexual, emotional, psychological abuse, social isolation, and sometimes the bride's death⁶. Threats of visa cancellation prevent many women from seeking any assistance.

The White Ribbon Australia Multicultural Reference Group, made up of experts from across the country to advise and guide White Ribbon's work in culturally and linguistically diverse communities, strongly condemns this practice as demeaning to women and inappropriate to the Australian social context. White Ribbon Australia is in the process of preparing factsheets to educate diverse communities, as well as mainstream Australians, on this practice, its negative impact and the support available.

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.

The practice of dowry has been illegal in India since 1961. To prevent dowry deaths and harassment of women in their matrimonial homes, India introduced a tough anti-dowry law in 1983, Section 498A of the Indian Penal Code. As dowry is illegal in India, the gifts demanded and provided as part of dowry are rarely documented.

When the bride and the groom leave the country, there is no legal protection for the woman against dowry. Lack of awareness of the support available, inability to reclaim dowry when the marriage breaks down, inability to access free legal advice due to visa restrictions as well as the Australian law being inadequate to deal with dowry abuse highlights the need for extra-jurisdictional enforcement mechanisms.

Dowry is a relatively hidden cultural practice outside India. As outlined in Recommendations 4-8 in the submission by Ms Jatinder Kaur, community education on dowry and dowry abuse needs to occur alongside law reform. This will help ensure that people and institutions who come into contact with women experiencing dowry abuse (such as welfare services, Police, employers) are able to identify dowry abuse and help the women experiencing it to access the support they need. Long-term, this approach will also help prevent dowry abuse from occurring in the first place by increasing awareness and challenging attitudes that sustain the practice.

⁴ O'Connor & Swarup Asthana op. cit., p. 9.

⁵ Ibid., p. 6.

⁶ See, for example, the death of Swathi Tirumalagiri in the UK: <https://indianladiesuk.org/father-alleges-dowry-abuse-daughters-tragic-death-uk/>