



AustralAsian Centre

FOR HUMAN RIGHTS & HEALTH

Founded September 2012

www.achrh.org

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Introduction to the AustralAsian Centre for Human Rights and Health hence forth known as ACHRH.

Vison and Mission

ACHRH vision is to create happy communities. Our mission is to stop domestic violence, build individual and community resilience through harmony in the home, positive mental health, and mutual cultural respect among the South Asian communities.

ACHRH primarily works with and provides services to immigrants from the Indian Subcontinent and South Asia. ACHRH undertakes community research and runs targeted evidence-based programs designed to challenge entrenched cultural biases against women and girls. In addition, to its front line work, ACHRH is the only Australian based think tank which focuses on finding solutions to the problem of gender power imbalance, gender inequality, and domestic violence in the Indian and South Asian community. ACHRH regularly makes submissions to influence government policy. ACHRH has a strong, demonstrative track record of harnessing relationships in the Community and has a solid record of managing government funds. ACHRH is a 9 year old Victoria based NFP charity registered with Federal Government's ACNC .

Projects that have reached deep into the Australian South Asian Community

Dowry abuse campaign

ACHRH commenced a campaign against dowry in Australia in 2012. In 2015 ACHRH made a submission into the Victoria Royal Commission into Family Violence (RCFV). As a result of the work undertaken by ACHRH, the RCFV recommended that the definition of economic abuse under section 6 of the Family Violence Protection Act 2008 (Vic) be expanded to include dowry related abuse. And It Became Law In Victoria In March 2019. ACHRH is currently working with Federal Government to include dowry abuse in the Family Law Act. ACHRH leads the National Dowry Abuse working Group comprising the peak bodies of DV workers.

ACHRH hosted a National Anti-dowry Summit in 2017 in Melbourne and second summit in 2019 in partnership with University of New South Wales in Sydney. More information can be obtained by visiting www.achrh.org

The dowry abuse campaign triggered Federal Senate Hearing into The practice of dowry and the incidence of dowry abuse in Australia. It received about 80 submissions and made 12 recommendations. The Federal Government response was tabled in 2023.

ACHRH received a three-year Department of Social Services grant in partnership with Harmony Alliance, \$495,000 to work on creating a **National Platform for the Prevention of Dowry Abuse**. The project aims to identify the drivers behind dowry abuse in Australia, pinpoint gaps in knowledge, and find community-led solutions to prevent dowry abuse, such as the delivery of education programs for community groups. So far, the project is on track to meet all objectives outlined in the Activity Plan. Professor Manjula O'Connor is the Principal Research Investigator. The project is being delivered by ACHRH in partnership with Harmony. An academic paper titled "Health impacts of dowry abuse in Australian Indian community" published in Medical Journal of Australia can be found on www.achrh.org

Supporting new migrants

ACHRH supports migrant settlement into Australia through cultural awareness, understanding. Further the ACHRH works to ensure that migrant communities have an appreciation of Australian mainstream cultural values. ACHRH has been funded by the Commonwealth of Australia to run an ACHRH designed Australian Culture Awareness course for migrants titled "**Mutual Cultural Respect**". In 2016, ACHRH received a **Victorian Government Multicultural award for Innovation** for "Mutual Cultural Respect" program.

Mutual Relational Respect

Prevention of domestic violence and mental health awareness in Indian communities including the broader South Asian community. ACHRH has extensive project work experience. It has delivered 50 Mutual Relational Respect interactive workshops in Victoria and Australia since 2017. The workshops aim to educate the participants around the drivers of family DV them from happening in the first place.

MRR workshops also educate communities on mental health, suicide prevention and help seeking, especially effective online workshops were delivered over two years of COVID isolation period.

Community participatory theatre Natak Vihar.

In 2016 Natak Vihar was conducted and 4 workshops and 4 performances involving 172 people was held and is filmed. Please visit achrh.org to see the film on Natak Vihar.

It gave rise a four-year community participatory action research project titled '**United We Stand**'.

In 2020 -2024 January ACHRH worked in India Delhi and Lucknow Maharaja Bijli College to **deliver HOPE workshops to students** .HOPE uses video clips to educate participants around how gender norms are formed and contribute to family violence , and how family violence can be stopped. Ongoing relationship continues with India.

Community participatory theatre 2021-2024. “Sneh Theatre”.

In 2021 ACHRH received Victorian Government grant to conduct community education around early intervention and prevention of domestic violence using community participatory theatre over three years 2021-2024. We call it “SNEH Theatre”.

The performances have been filmed and a documentary film will be screened widely, The final evaluation report will be released at the AGM in December 2024.

Summary

The AustralAsian Centre has expertise in prevention of family domestic violence and encouraging early intervention among Australian South Asian communities. ACHRH led the successful dowry abuse public campaign leading to inclusion in the Victorian Family Violence protection Act 2008. ACHRH has reached thousands of South Asian community members through its F2F workshops, online workshops, films, events, and quarterly newsletters.

ACHRH makes the following recommendations in response to

Inquiry into the financial services regulatory framework in relation to financial abuse in Australia

This submission will address the following issues.

- 1. The prevalence and impact of financial abuse, including:**
 - a. the approaches taken by financial institutions to identify, record and report financial abuse, and any inconsistencies arising therein.**
 - b. the impact of the shift of financial products to online platforms; and**
 - c. any other contributory factors. constant record**

- 2. The effectiveness of existing legislation, common law, and regulatory arrangements that govern the ability of financial institutions to prevent and respond to financial abuse, including the operation of:**
 - a. the National Consumer Credit Protection Act 2009;**
 - b. the Privacy Act 1988 (Cth);**
 - c. the Australian Securities and Investments Commission Act 2001;**
 - d. the Insurance Contracts Act 1984;**
 - e. legislation and statutory instruments for superannuation; and**
 - f. state and territory laws and regulations.**

- 3. Other potential areas for reform, such as prevention, protection, and proactive systems, including:**
 - a. existing financial product design;**
 - b. emerging financial products;**
 - c. employee training;**
 - d. culturally appropriate responses; and**
 - e. any other appropriate response, for example, mandatory reporting.**

- 4. Steps that might be taken to support financial institutions to better detect and respond to financial abuse.**
- 5. The role of government agencies in preventing and responding to financial abuse.**
- 6. The funding and operation of relevant advisory and advocacy bodies.**
- 7. Any other related matters, including comparative information about arrangements in relevant overseas jurisdictions.**

Introduction

The term ‘Financial ‘abuse is defined as cash/ money, while ‘Economic’ abuse refers to resources such as education, accommodation, transportation, food, employment, heating, access to clothing, shoes etc. (Ref. Breckenridge, Sara Singh, Mailin CBA)

Financial /Economic abuse is an important problem that specifically is enlarged among migrant and refugee populations. Certain cultural practices make them more vulnerable. For example, male control of finances is an acceptable practice in patriarchal traditional cultures such as the South Asian. The cultural acceptance of control of the household money, the joint and individual bank accounts by men is a symbol of unity between the man and the woman. This acceptance of male control of finances makes it hard for victims to identify when the culturally acceptable practice crosses the line and becomes abusive. This is the reason why financial /economic abuse remains a hidden form of domestic violence among migrant and refugee communities.

Further, language barriers, and lack of knowledge of systems pose barriers to help seeking until it is too late. Banking system can help women. Women complain to the banks when their salary account is operated by the perpetrator

often without her knowledge using internet banking system. After fleeing thousands of dollars, he disappears with all her savings. The banks refuse to help the woman when she asks why the money was allowed to be transferred to an account that was not her account.

Case history 1

An immigrant woman married her migrant husband who was on temporary visa. He cheated her by borrowing money in her name, using her credit cards. He maxed out the cards. He took personal loans in her name, made her the director of his company which was debt ridden and made her sign papers that she did not understand.

He operated their joint account, and evidence of expenditure on herself was met with threatening questions.

The car loan was in her name, but the registration was in his name. He subjected her to severe physical violence, threats, intimidation when the woman's mother refused to give him cash that he demanded soon after marriage.

Recommendation 1. Banks should ensure that big or small loans for business, land, housing, cars etc given to CALD women understand the risks, if they are new to the country and English is their second or third language , and alerting them to the risk of the burden of debt on them in case the relationship breaks down

Recommendation 2. Company Directors responsibility need to be explained to culturally and linguistically diverse women in their language.

Another specific cultural expression of financial and economic abuse is dowry abuse. Dowry is defined as gifts in the context of a marriage, given by the bride to the groom and his family in the South Asian context. In the African context dowry cash is given by the groom to the bride's family (seen in African and Middle Eastern countries).

Typically, dowry gifts tend to equal or exceed the annual income of the giving family. The bride's parents willingly give gifts to the groom and his family. The cultural practice of dowry giving has the potential to give rise to a sense of entitlement among those grooms and their parents who are abusive and toxic. Dowry becomes abusive when the groom and his family demand, extort, feel aggrieved by the amount, content, or quality of dowry gifts, and feel entitled to demand gifts before, during or after the marriage. Such dissatisfaction is known to lead to violence, emotional abuse, even murder. The problem can be facilitated by the process of migration. Citizenship/residency of a rich country like Australia makes the groom very valuable in the eyes of the prospective bride's parents in India. It signals a good life for their daughter and enhances his dowry value. And among some grooms and his family, it increases their sense of entitlement, leading to domestic abuse.

This makes the migrant spouse (usually women) vulnerable to coercion, control, extortion, emotional and physical violence. At least one death associated with dowry abuse is reported in Australia.

In the Australian migration system, dowry abuse leads to threat of withdrawal of sponsorship or refusal to apply for partner applications until sufficient funds are transferred by the partner's parents. Sometimes leading to withdrawal of sponsorship of partner visa. The impact on the mental and physical health of the victim can be severe. Post traumatic stress disorder, suicidality and depressive illness, panic attacks are recorded. See the article 'Health impacts of dowry abuse' referenced below¹

Case history 2. A newly married woman who married an Australian-Indian citizen in arranged marriage in India was abandoned by her husband within months of arriving in Sydney Australia. Her parents gave approximately \$100,000.00 in dowry gifts in arranged marriage to the groom an Australian-Indian citizen. The gifts comprised cash and gold gifts to husband, his parents, siblings, grandparent. Her parents gave her extensive gold and diamond jewellery as dowry. Her in-laws received household white goods, furniture, and bed linen. When she left India to travel to Australia to be with her husband, all the gifts

¹ O'Connor M, Lee A. The health impacts of dowry abuse on South Asian communities in Australia. Med J Aust. 2022 Jan 17;216(1):11-13.

were kept by her mother--in--law in India and cash by her husband in Australia. He demanded more money to apply for her partner visa. She refused to ask her parents. They had already given dowry gifts that equalled or were more than their annual income. He declared he did not wish to be married to her anymore and to vacate the house. She refused to leave. The following week he disappeared, leaving her alone in a city she knew no one, did not have a job, and rent to pay for an expensive rental accommodation.

Dowry is given in return for an unwritten social contract that her in-laws and husband will honour and respect her, keep her safe in perpetuity. Marriage is seen to be a permanent thing. He failed to keep his side of the bargain. Within months of arriving here he told her he did not want to live with her anymore, subjecting her to physical violence when she refused to leave. He stopped paying the rent and she had to vacate. She lost all her dowry and returned to India to lodge a dowry case against him and his parents.

The story of the international student below also highlights the need for laws to clearly state the rights of the new brides in Australia. The right to not be subjected to extortive demands for money and jewellery should be clearly stated in the Federal Australian Family Law. That financial abuse in the context of a marriage called dowry extortion is illegal in Australia. And all grooms, new brides and the international students are made aware of such laws.

Case history 3. Report of an international student, a new bride who married an Australian citizen.

He had put his email and phone number on the savings account, which was opened for me, to keep track of the activities. I later got it changed when I was close to part ways. He wasn't quite happy with that.

My parents gifted me some cash gift and he always kept control of that. Asked me to beg for money from my parents after he finished spending every \$ that I had.

Asked me to give all my expensive dowry jewellery (dowry gifts) to his mom to keep safe which was never returned.

India has specific laws against dowry demands and abuse. Research shows that migration is making it easy to turn dowry into a criminal pathway to grabbing free loot and riches, cash, with no sense of responsibility to the imported bride.

In addition, at least 600 Abandoned brides of Australian-Indian men have been left in India by men who have taken the dowry and disappeared, without sponsoring their bride to Australia. Please see the Chapter on ‘The Melody’ in a book written by the author of this submission.² The writer of this report is personally contacted by many of the women. No action is taken against the men by authorities, and they roam free to commit another such fraud.

In the modern world of mass globalisation Australia needs to update its laws to accommodate the needs of immigrant women. Australian courts and Indian courts should have a common language to understand the crime of dowry abuse and its remedies.

Recommendation 3. The Commonwealth of Australia add the words dowry abuse under the Family Law Act as an example of financial abuse under the definition of family violence, in the same manner as the Victorian FVPA 2008, revised 2019. Dowry abuse is defined as control, extortion, demands of gifts, cash in the context of marriage.

The solutions to the problem can be identified better when we have quantitative data. There is lack of data on financial abuse committed in the name of upholding the culture.

Dowry is one such practice. Specific cultural expressions of financial and economic abuse such as dowry abuse and forced marriage need to be recorded to understand the exact nature and prevalence of abuse, including the country of birth, ethnicity and language spoken with the financial -economic abuse data.

Recommendation 4. We recommend that ABS Personal Safety Survey add the item on financial and economic abuse. ABS Personal Safety Survey to include

² Manjula Datta O'Connor. Daughters of Durga 2022. MUP. Page 85-96

the country of birth, ethnicity and language spoken with the financial - economic abuse data.

Recommendation 5. Police Reports (known as L 17 in Victoria) too should add a specific item regarding dowry abuse, financial and economic abuse the ethnicity, country of birth and languages spoken at home of the victim and the perpetrator.

Recommendation 6. Banks need to be aware of suspicious activity when a spouse or partner or family member adds their email and phone number on the savings account of the woman.

Recommendation 7. Dowry gifts should be returned in full to the bride after the breakup of the marriage.

Recommendation 8. Australian government should facilitate conversation between the Judicial agencies between India and Australia to further explore the problem and solutions to the transnational problem of dowry abuse.

Recommendation 9. The Australian Government needs to look at strengthening partnerships between local NGOs in India and Australia to promote cooperation around education and prevention of dowry abuse.

Recommendation 10. Ongoing prevention initiatives i.e. education in financial and economic abuse of all bank employees, police and communities must continue to bring about long-term social changes that address the financial inequalities between genders, so that women are able to achieve safety and freedom.

