



Spotlight #4: Episode 2

Podcast Transcript

An interview with Dr. Sundari Anitha: Understanding transnational marriage abandonment

Introduction: Spotlights is a series of online events and publications focusing on a particular group of victim/survivors who are often hidden from services. As part of SafeLives Spotlight on 'honour' – based violence and forced marriage, this week my colleague Deidre went to London to meet Dr Sundari Anitha, a Reading in Criminology at the University of Lincoln. In last week's Spotlights podcast Deidre spoke with Anitha about intersectionality, coercion and forced marriage. This week, Deidre and Anitha build on that discussion to talk about how transnational abandonment, has become a new recognised form of domestic abuse within particular communities. We hope you find this as interesting and informative as we have.

I: So, thinking more about forced marriage and some of the associated risks, I know one of your areas of research is around transnational marriage abandonment. Is that right?

R: Yeah.

I: And I know it's quite a newly recognised form of gender-based violence. Can you explain that a bit more and how it might be linked to forced marriage or not?

R: Okay. So I've recently completed a piece of research on transnational abandonment of wives and it's a problem that has not been recognised so far, so it might be a term that's new to practitioners So it's a problem that might affect women from countries where migration takes place. So what it means is, in the context of India, when an Indian origin and a man goes back to India and gets married and he might come back to the UK with the woman, and, once they're in the UK they might, following a period of abuse and domestic violence, if the woman protests, if she resists, if she refused to accept the state of the marriage, then the man takes her back to India on the pretext of a holiday and leaves her there, sometimes coming back here with her passport and, as soon as he comes back, he can revoke her visa. And so, once he's revoked her visa, she has no

means of coming back and she has no means of securing a divorce. She has no means of taking part in divorce proceedings to gain financial rights and, in some cases, it might mean that he abandons her with their children back in India and, in some cases, he might hold on to the child and take her back there and leave her there and separate her from the child. So, in those contexts, it's possible that practitioners encounter that family through the social services who might be involved with the child. They may not recognise what's happened is transnational abandonment, because what they're hearing is the man's account and he might say she's just left; she's gone back.

I: Okay.

R: And so, for practitioners who are in that situation, immediately that's a red flag. They need to find out why she's gone back. They need ascertain from her, whether she went back willingly or whether she was abandoned. And for Cafcass that's a big issue because, at the moment, we've come across cases from our practitioners where the husband said the woman had just left and Cafcass were involved, but they didn't recognise that this was an issue of abandonment and, in one case, where they tried to talk to the woman and, eventually, it turned out that they'd spoken to the man's mother, who pretended to be his wife, because it was on the phone and they weren't looking out, because they weren't aware that there was a risk that she had been abandoned they weren't alert; they weren't asking the right questions and so they treated it as a routine assessment when, actually, it was a case of a particular form of domestic violence which is very little known.

I: So that kind of goes on to my next question which is; a woman, maybe, is brought back to her home country. What's there for her? What risks are there? What opportunities? What can life maybe look like for her when she goes back there?

R: So, for someone who's come to the UK and then who's been taken back and abandoned there, there will be several risk factors in terms of additional vulnerabilities. So, to start with, she may not be accepted by her own family for not making the marriage work. There's a huge amount of stigma attached to being abandoned and the failure of marriage. She may not have a place in her native family; her family may not want her back there and though my own research that I just finish I also found that, in many cases, her dowries are appropriated by her husband's family and a dowry is a particular form of transaction of goods or wealth which takes place upon marriage or following marriage. Sometimes it can take place over several years and, in the context with the Indian sub-continent – particularly, India, but also in Pakistan and Bangladesh we're finding out now – dowries are a form of inheritance that's going to the woman before the death of the parents and it's a form of inheritance that takes place upon marriage. And so, as far as the family are concerned, she's had her inheritance. So, where the man and his family appropriate that money, she's now come back to her family home without any inheritance.

R: ...and so he has to come back to India and divorce her. And, in many of these cases, the men initiate divorce proceedings in the UK where it's usually paper application and they may fraudulently forge her consent or, in many cases, after

six weeks if there is no response the divorce proceeds anyway. So the man may file the divorce papers in the UK and he may, for all practical purposes in the UK, be divorced, but as far as she's concerned she's still married in India, because the divorce hasn't taken place and she can't marry again. And one of the women I spoke to...can I tell you a bit about her, because she really touched me?

I: Yeah.

R: So I'll call her *Chandy* and I spoke to in Gujarat and she was a teacher in a girl's school. And she came to the UK, following an arranged marriage with this man and she says the day after she came to the UK – she's in a family home with her in-laws and her husband – her father-in-law took her to a factory to be interviewed and, within two days of coming to the UK she was set to work. So she was a teacher in India and she was doing a manual job in a factory packing medicines. So she was set to work for six days a week and on the seventh day, which was Sunday, she had tuitions set up all day – Gujarati classes – for children in the neighbourhood and all the money had to go to the in-laws. She also discovered her husband had a problem. He was addicted to drugs and, as far as the family were concerned, they expected the marriage to cure him of his addiction. They thought, through her love, she was going to transform him and cure his addiction. He was never home. He was away for long periods. She suspected he was involved with another woman, whom the family weren't willing to accept. Perhaps, she might have not been South Asian. She was never very sure what was going on there. There was a lot of pressure on her from the family to produce a child, because they thought if she had a child then, maybe, he'll come back; maybe he'll become part of this family again; her husband. But she refused to have any sexual relations with him. She said, 'I don't even know you. You never talk to me. You don't know me as a person. How can I be intimate with you?' And so he complained to his mother saying, 'Oh, she doesn't let me touch her.' One day she came back from work and she said her mother-in-law gave her something to drink and she doesn't remember anything that happened after that and the next morning she woke up and she had bruises all over her body and she asked everyone what had happened and that's how she realised that her husband had raped her.

And she was completely traumatised and through connections she made at work – she wasn't allowed a phone; she wasn't allowed to call her family – so through someone she knew at work she borrowed their mobile and called up someone; a friend of a relative who was in the UK and they came and took her out of that home and...she didn't know about No Recourse to Public Funds. She didn't know what the law was here. So her first instinct was to go back to her own home and flee, so she went back to India and, once she was there, she thought about her rights, she thought about all the money she'd earned while she had been here. She'd been here for, I think, about two years and she thought she was entitled to that, to her dowry and she thought she wanted justice. She wanted a resolution, but she realised she couldn't come back because the visa had been revoked and he refused to come to India to divorce her. And they took all her money and they retained her dowry. And, since then, when I spoke to her she had worked her way back in society. There was a huge amount of stigma. The family were no longer invited to social occasions, but, by then she'd

become the head teacher of her school. In terms of her occupation, she'd done really well, though socially the family were still isolated.

And when I met her she said, 'I want to adopt a baby girl. I'm going to make her as strong as me.' And it was such a...she had come through all of that and there was a whole...you know, through victimisation she was a real survivor. And a few months later I spoke to her again and she said she wasn't allowed to adopt the girl, because, as far as the law is concerned, she's still married and he had refused to divorce her. So her life was in a limbo. So, although she had managed to get out of that situation, in some ways she could never move on.

And those are the kinds of consequences and this was, of all the people - I spoke to fifty-seven women – this is the one person who had managed to rebuild her life. But, even then, there was a point beyond which she couldn't move on because of the way the laws are and because, when men manage to cross borders and abandon women, there are very few options for those women. So, in her case, she had no children. But there are a whole range of issues of women who have children. So, on one hand, the children could be held back in the UK and the women are abandoned there. In which case, lawyers are able to invoke Article 8 – the Right to Family Life – and there are possibilities although it's very difficult to argue the family had been forcibly separated – the mother had been separated from her child – but, where the man's abandoned the woman and the children together back in the country, there are very few avenues for them. Though, the child may be a British citizen, it's very difficult for them to come and make their way back here. The visa is impossible to obtain. There is no way on ensuring that he gets maintenance from the father, who may be very well off, but the children and wife are destitute.

R: So it's a form of...the whole purpose of abandonment is to make sure she can't claim her dowry back. She can't claim custody to her children...

I: **She can't get remarried. She can't be involved in society. Her family might not accept her. I think when lots of practitioners think about domestic abuse and they think a woman's gotten out of a violent, abusive relationship and the threat of death isn't there anymore or whatever it is, they think there's hope there. But it's almost transnational abandonment seems like a way to continue abuse from afar; to continue to abuse them and control them after the relationship ends.**

R: Some of the women, that's what they say. So one woman said when she asked him to come back to India and return her dowry she said he'd return back and say on the phone to her, 'What can you do? Can you come and get me? I'm in the UK. Can you reach me? There's no way you can reach me, so I'm not coming back. I'm not doing anything. What will you do?' And she said. 'That's the way the laws are set up. There, actually, is nothing I can do. He's mocking me, but he's right. You know, the way the cards are stacked I have nothing in my hands and this is the life I have to make now.' And I feel it's a form of injustice that we really haven't even begun to understand and moved towards resolving. For practitioners here, they may well think what they can do in terms of the woman's back there what can we do?

R: I think a key step is, many of the women have been in the UK at some point and they have been facing a range of different forms of domestic violence while they've been in the UK and they have no recourse to public funds for women who are in that situation who are facing domestic violence and are recent marriage migrants with insecure immigration status. Now, what is really important is to convey to those women what their rights are because as soon as they cross the border those rights seem to disappear. And, if there is someone who has contacted you, who's facing domestic violence and has no recourse to public funds, then you need to open to them the possibility that they might be taken back and abandoned...so, if they're going back for a family holiday, you need to convey to them that this might happen. If the child's being kept in the UK and they're going back for a holiday or a wedding family wedding, they need to know that this might be a ploy to separate the child and the mother.

I: **Do you know, it's...funny, this brings up all sorts of memories from me being an Idva and thinking about many situations when I worked in Tower Hamlets where social workers thought the best solution was, 'Has she thought about going back home?' Like, it would be so easy for her to take her kids and get out of the abusive situation and not at all considering, what rights she would be losing by leaving the UK.**

R: And these are rights we've fought for a very long time to gain. And it seems it's almost the perpetrators are one step ahead, because as soon as women have gained those rights so the no recourse DDV concession came about after a lot of campaigning – nearly twenty years of campaigning – and now there is a way to circumvent that...because if the women have left while they were in the UK, if they left because of the violence, then there are routes to which they can gain secure immigration status...

I: **So, as a practitioner, who's supporting a woman who may be in an abusive relationship and who may be considering the option of going back to her home country or might be forced to, it's about thinking about what consequences may come as a result of that?**

R: Yeah. And also thinking about was there a dowry involved in the marriage. Where is the dowry being held?

And the issue of a dowry is a broader issue than just one that affects women who are in transnational marriages. So dowries also exchanged among some communities within the UK – so it may take place in the UK...so that's something for the practitioners to think of in all of those communities and, particularly, communities from South Asia and a big form in which dowries are exchanged is jewellery-gold-for instance, which a woman wears at the time of her marriage. So, for practitioners, one practical way in which they could make a difference is recovery of possessions. So when someone comes to the refuge...and it's increasingly difficult to do that, but I remember from working in the refuge a few years back, routinely, you would be accompanied by the police and you'd go back to your home – to the woman's home – and she would pick up her clothes and her personal possessions.

R: Now, what I'm hearing is it's harder to do that now, because the police aren't free and their resources are...you know, it's harder to free up that time for someone to go with the woman...so it seems to me that this is happening less and less, but for someone from, say, a South Asian country it's not just possessions you're talking about – though she may talk about it as possessions – included in those possessions are her jewellery, which is her dowry, her inheritance. And there's a very small window you have, soon after she's left, where she can go back and recover all of her gold...because it's her possessions. It's gold. It can be disposed of very easily. Within two months/three months the family will say we don't have it. There's no way you can prove anything. So accompanying a woman to recover her possessions, if someone comes to you and it's a South Asian woman, you need to ask what kind of possessions; is there dowry there.

I: **Okay.**

R: And you need to ask for descriptions of that jewellery, so that when you go there you can locate it and bring it back with you at that point. Because after that you won't be able to do it and she will lose and without it she has no financial security.

I: **It's a really good thing to know. Because, I think, when you think about a woman going into refuge and what you're advising her to take with her it's about essentials and I think you automatically think that jewellery isn't an essential, but for her it is an essential, long term and short term and so considering that is really important.**

R: And she may not take it when she leaves.....but it's about going back and recovering it.

I: **In a safe way.**

R: In a safe way. There'll be evidence. There'll be photographs of the wedding.

I: **Yeah.**

R: There are forms of photographic evidence, because all weddings...we do recordings, there are photographs, so you've pictures of the jewellery that she's wearing. So you can ascertain, by looking at the photo album...

I: **That they are hers.**

R: ...which pieces are hers.

I: **Yeah.**

R: It's not difficult, but it's about being aware of the importance of these items.

R: ...yeah. In terms of talking about transnational abandonment, I've focused on the cases where the women migrate following marriage, so they come to the UK

and then they're taken back and abandoned. The vast majority of women who experience transnational abandonment are those who have never crossed borders. So the men may come from the UK, the men go to India and get married and their parents might still be living in India and, following marriage they make promises that they'll apply for a spouse visa and they come to the UK with the dowry and she's living with her in-laws in their home, where she's expected to do all the housework and it's only in the month, sometimes, in the years following marriage that she realises that he never intended to apply for a visa for her. And the purpose of the marriage was to secure the dowry and to secure someone to do all the domestic labour for the elderly parents back in India. And we think that this is a problem that might be growing in the context of immigration restrictions which mean that it's harder for elderly, dependent relatives to get a visa to come to the UK. So we think that the men might be *agreeing* to these marriages in order to secure a carer...and for the transfer of wealth, the dowry; and some of these dowries are huge. We're talking about £30,000/£40,000.

And some of these men have histories...it's their third or fourth marriage. So, if you think about it, it's a form of exploitation that they've perfected, really because there is no outcome for them, no come back for them, so they can go back and marry again and come with the transfer of money and knowing that they would have someone who will do all the work in their household. And, in many of the cases of the women I spoke to, there were children. It had been seven/eight years since the marriage. There had been two children and they were simply abandoned there. And, again, many practitioners in the UK may not think it's something they can do anything about directly, but it's something for our courts to think about.

I: Hmm.

R: Whether they're abandoned in those countries or the UK, they still have rights to maintenance. Their children have rights to maintenance, because the father may be earning adequate amounts of money in the UK, while the children and the woman are destitute. They also have a right to justice, because they've been abused and the woman's been abused, exploited in India by a British resident. And so there are rights that she could avail, to gain financial security and to gain justice, to secure a divorce, which our courts need to be thinking about. So one thing that the courts could do is make...there are some provisions for enforcement of maintenance order across the border, but they are disused at the moment.

I: Okay.

R: So one thing the courts could think about is we're increasingly living in a transnational world – people migrate – so we need to be thinking...they're very good on dealing with these issues when it comes to state security and terrorism, to cyber security...

I: Yeah.

R: ...yeah, but we're not very good at dealing with cross border issues when it comes to women's rights. So the state needs to be thinking about not seeing

national borders as a barrier to securing women's rights. So, where those women have secured maintenance orders in India or Pakistan [*unclear 0:23:57*], we need to be able to enforce them here. It's only when men can't get away with it any more, then it becomes less profitable for them when they engage in these forms of violence.

I: So we have to hold them to account, otherwise it will continue because there are no consequences for it?

R: Yeah. And there are a lot of advantages for them. They gain financially. They gain sexually. They gain services, in terms of domestic labour. So it's really about abusing those power inequalities which are already there – gender power inequalities – also, in equalities between nations...

I: And gaps, as well, yeah.

R: ...yeah...but it's facilitated by the silence of the law.

I: Yeah. That is a lot to think about. But, obviously, very important to be thinking about, because it's not just about what front line practitioners are doing it's about what the law needs to be doing and about what the court needs to be doing and it's about seeing where the gaps are and filling in the...

R: Yeah, so we've long way to go.

I: Yeah.

R: But, at least, we're starting to talk about.

I: At least it's starting to be recognised...

R: Hmm

I: ...and that's where it begins. Say a woman tries to leave that relationship. The husband's not there. She's caring for these parents that aren't hers. She's not getting anything out of it. What consequences are there for her if she leaves that relationship?

R: A huge stigma...

I: Yeah.

R: It's a huge stigma. If she has children, then she has to think about whether her own family are going to accept the children and about whether those children [*unclear 0:25:27*] be destitute. But the biggest consequence is stigma and we've also found that in smaller places a woman couldn't get jobs because they've been abandoned. So the presumption was there must be something wrong with you that you've been abandoned. And so the stigma was a big barrier and financial destitution, so not having any means because the family had spent so much money on the dowry and they had borrowed heavily in order to enable that marriage to take place. And so it was both social and financial consequences.

I: So when you talk about stigma, does that mean honour and honour based balance, so what does it mean?

R: Yeah, so the notion of honour and the idea of honour based abuse is something that interlinks and kind of is woven through different forms of domestic violence, so in the case of women who have been abandoned, the honour of the family, the status of the family in society is often tied up to whether their daughter is living her life in conformity with the gender rules.

R: So whether she's performing her gender role within the marriage, whether her marriage is successful or is seen to be successful, whether she has children – preferably male children – so, depending on the kind of family and whether they're in a rural location or urban location those expectations can change, but the honour of the whole family is tied up to the daughter's performance of gender, and whether she's living her life according to those gender rules. And that has many implications, particularly when there's domestic violence. If the woman talks about the violence, if she tells other people or seeks help or if she's trying to leave the relationship, all of that can bring dishonour on the family.

R: There's very strong moral sanctions against disclosure, against help-seeking and, particularly, against leaving the violent situation and that can affect families within the UK from particular communities and *back there* and those consequences continue long after the marriage ends. And so in another piece of research that I completed recently on women who had left the situation of domestic violence some of the women had left more than twenty years back and they were still not accepted in their community and they talked about...and one issue that came up again and again was the level of social isolation they faced. And they had left that violent situation. They were trying to rebuilt their lives, but there was a level of constraint that was every present in their lives. So one woman talked about how she doesn't socialise within her community or, every time she's in a social situation where there are other members of her community, she has to think about what she says. She says, I don't tell them about...I say my husband's dead or...because she says that every time I speak to someone I have to think about what are the judgments they're going to make about me and what assumption they will have if I tell them I left my husband. And so she says there's a part of me that I have to forever hold back and I can never open my heart out to anyone and what it means is that I don't have any close friends.

And some of these women were very elderly; they were in their sixties and they were entirely isolated and I think that's [*unclear 0:02:46*]. We've had refuge services in this country for many years now, so there'll be this whole generation of women who accessed refuge services thirty years back and they're now elderly, in a context where the state care is shrinking, but they have no family, no community, no set of close friends to fall back on, because they've lost all of that when they left that violent relationship.

R: So I spoke to one woman and she said she was ill a couple of weeks before I interviewed her and she said, if I'd died no-one will have known. You will have come knocking on my door and that's when you would have found out that I was dead. And she said, because I don't see anyone. From day-to-day and from

week-to-week, I have no interaction with other human beings. And so, again, that's something I suspect we will become more aware of, as that generation grows older. So there are very particular consequences of leaving and they're very particular bias living your life in the context of these notions of honour.

I: Yeah. I think one of the things that seem to keep cropping up is, not just being in a violent and abusive situation, but the risks associated with leaving. But, often, many women encounter you could be killed; you could be seriously harmed, but then from very, very long thereafter they're still dealing with the consequences of being alone, of having no financial security, of not marrying again, being ostracized. It seems to go on for quite some time then?

R: Yeah, there's so much to overcome. But also, at the same time, got a sense of how they were survivors.....and they had made that life work for them. I Those constraints were ever present in their life and I was, also, very powerfully struck by how, against all of these odds, the women had rebuilt their lives and made something of it.

I: I think that's a good place to end. Thank you for taking the time to speak with me its been very interesting.

Conclusion: Thank you for listening. If you'd like to find out more about SafeLives Spotlight on 'honour' –based violence and forced marriage, please go to our website SafeLives.org.uk, where we will be uploading new content every week-each exploring a different aspect of 'honour' –based violence and forced marriage. If you'd like to participate in the discussion, you can join in the live Twitter Q&A conversation on June 8 from 10-11am-just go to #YourChoice.