

'DISPOSABLE WOMEN': UNDERSTANDING TRANSNATIONAL MARRIAGE ABANDONMENT

University of Lincoln's Professor Sundari Anitha has pioneered research into violence against women and girls, identifying 'transnational marriage abandonment' as a form of domestic abuse.

Professor Anitha's research has:

- Provided the first systematic study of transnational marriage abandonment, arguing for the first time that transnational abandonment constitutes a form of violence intended to deprive women of their residence and financial rights.
- Uncovered the scale of the problem of transnational marriage abandonment, primarily in India but also in other South Asian countries.
- Developed recommendations for immigration, divorce and family matters for policy makers in the UK and India, to help women overcome the difficulties they have faced when seeking advocacy and justice.



The 2016 report, 'Disposable Women', gave a name to the phenomenon of transnational marriage abandonment, whereby women are abandoned or left behind in India by non-resident Indian men. By interviewing 57 women abandoned in India, Professor Anitha and her research team were able both to understand the nature and patterns of abuse and abandonment and to document the experience of the women involved, as they navigated UK and India legal systems.

The study highlighted the continuing inequalities within marriage, the geopolitical inequalities between nations that mean a groom's family is able to control the situation, and the difficulties women face when seeking help from state institutions in India or in their husband's country. At the centre of the research are recommendations for immigration policy and practice and divorce and family matters in the UK, and in India for the greater legal and financial support for women who have been abandoned.

UNCOVERING ABANDONMENT

To build an understanding of abandonment, the study interviewed 57 women in India who had experience one of two forms: either they had migrated with their husband after marriage and then been deceived into returning to India and abandoned there; or they had been left behind in India after their marriage with assurances that their husband would sponsor their visa, leaving them with their in-laws where they are eventually forced out or leave because of domestic violence. Of the women interviewed, 28 were married to men resident in the UK, with the remaining married to husbands from Italy, Australia, the USA and elsewhere.

The women reported both sexual and physical violence, perpetrated by their husbands, in-laws or both. They were subject to coercive control, isolation and financial abuse. About half the women were denied food and adequate housing. A significant context for abuse was the ongoing demand for dowry, particularly where demands could not be met. Socio-cultural norms against divorce meant that the women had to choose but to remain in these abusive relationships.

Crucially, the study uncovered the inadequacy of national and transnational legal mechanisms to protect these brides, leaving the women particularly vulnerable to abuse and exploitation, with little or no access to justice.

In India, marriage remains a crucial marker of social status and identity for women. Abandoned women are subject to domestic abuse, social stigma, poverty and destitution. Their passports are often removed and their visas revoked. Inadequate transnational legal mechanisms mean they are unable to access their legal rights.

MAKING A CHANGE

These findings were used to develop a set of recommendations to make a change for the better in both the UK and India:

- In the UK, recommendations for immigration policy and practice include the issuing of temporary visas and access to the full right of appeal under the Immigration Act 2014. For divorce and family matters, recommendations called reciprocal arrangements to enforce legal decisions, as well as access to better training and information.
- In India, recommendations called for the registration of marriage and dowry and greater access to legal support.
- Overall, the study identifies the need to raise awareness and provide information on the issues.

IMPACT ON POLICY

- University of Lincoln research has directed influenced changes to the UK's Practice Direction 12j, which sets out what the Family/ High Court is required to do in family proceedings where there is domestic violence. The new [Practice Direction 12j \(2017\)](#) now includes an expanded definition of domestic abuse which covers the issues explored in 'Disposable Women', dowry-related abuse and transnational marriage abandonment and draws directly on the research.
- This change was established in a legal precedent when the UK Court of Appeal set out a guide to the law on transnational marriage abandonment in 2019.
- The research has also provided evidence and stimulated policy debate about transnational marriage abandonment across UK policy areas and in Australia and New Zealand.

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