

SUBMISSION TO THE ROYAL COMMISSION INTO FAMILY VIOLENCE

Prepared by the Chawla Family, May 2015

1. INTRODUCTION

*In loving memory of Nikita Chawla
(21 June 1991 – 9 January 2015)*



Nikita Chawla (December 2014)

The Chawla family makes this submission to the Royal Commission into Family Violence on behalf of and in loving memory of their daughter Nikita Chawla.

Chawla Family:

Sunila Chawla (mother of Nikita Chawla)
Umesh Chawla (father of Nikita Chawla)
Tarang Chawla (brother of Nikita Chawla)
Jennifer Lim (fiancée of Tarang Chawla)

Parts of this submission are to be treated as strictly confidential, where indicated.

2. ABOUT NIKITA CHAWLA

Nikita Chawla was a beautiful, kind-hearted, gentle, energetic and ambitious young woman with a passion for performing arts and dance. Her life was taken in a brutal act of domestic violence perpetrated on 9 January 2015. She was 23 years old. She had her whole life ahead of her. Below is the story of Nikita's life and her untimely, and preventable, death.

Nikita's parents Umesh and Sunila Chawla married in 1985 in New Delhi, India, and migrated to Australia from India three years later in search of a better life for themselves and their then 18-month old son, Tarang. They settled in the South Eastern suburbs of Melbourne and became part of the expanding Indian community in Melbourne. Umesh worked as an engineer and Sunila as a computer programmer in insurance and advisory.

In 1991, they celebrated the birth of their second child, Nikita, the first daughter born into the family in several generations. Such was the excitement surrounding Nikita's birth that relatives from interstate and abroad visited Melbourne to welcome her into the world.

In the same year, Umesh and Sunila bought their first family home in Hampton Park. Nikita attended Cranbourne Christian Community College and from the age of 8 studied Indian classical dance at the prestigious Natya Sudha school of dance.

She aimed to complete all stages of Mohiniattam, one of the most demanding and oldest forms of Indian classical dance. Nikita also performed and choreographed classical and Indian dances at community functions as well as at family and friends' events like birthdays, weddings and prayers. She was an active part of Melbourne's Indian community.

In 1998, Umesh and Sunila moved to East Bentleigh and Nikita completed her primary schooling at St Catherine's Primary School.

In 2004, Nikita started Year 7 at private school Presbyterian Ladies College. Umesh and Sunila worked hard to send her there, believing in the importance of education. Nikita enjoyed her time at PLC, although she experienced bullying, and was teased by other students about her cultural background and her appearance. This greatly affected her self-esteem and self-confidence. Nikita completed her VCE in 2009. She excelled in creative fields and in particular enjoyed drama, dancing and acting. She achieved a very high study score in Theatre Studies.

Nikita was a bubbly, outgoing, kind, caring and generous teenager known for her smile and long curly dark hair. She loved performing. She was the much-loved baby of our family. She was the peacekeeper in our family due to her calm and gentle nature.

She was also a very sheltered, innocent and impressionable young woman with low self-confidence, who constantly sought the approval of others and was eager to please. She would go out of her way to please others and was extremely generous with her time and money.

In 2010, Nikita started her first year of university at Australian Catholic University studying accounting. However, she did not enjoy the course as this degree did not fit with her passion for dance and choreography, which is what she really wanted to do with her life. However, she believed the course would create good job prospects and stability.

Around this time, Nikita decided to pursue her passion by starting her own dance business - a dance and drama school she called BollyFunk Creations where she offered Bollywood dance classes and choreographed dances for events.

Later in 2010, Nikita was invited by Monash University to apply for their Bachelor of Performing Arts Degree on the strength of her VCE Theatre Studies portfolio. After auditioning Nikita obtained entry to the degree program. Aged 19, she commenced her degree at Monash in 2011 and pursued her degree and own business with fervour. The degree was 4 years from 2011-2014.

During this time, Nikita was a significant help to her parents with their small businesses. She performed customer service roles there on the weekend and assisted with day-to-day administration. Customers liked her. She would also do the business filing and bookkeeping as she had started to learn these skills through her Accounting degree. She would also maintain the expenses and cash logs, purchases and look after orders for customers.

Around this time in 2011, her family noticed a change in Nikita's personality. Her previously bubbly personality had diminished and she seemed unsettled. She did not have the same interest in dressing up as she had while growing up. She was constantly fatigued and she slept a lot more than usual. She began to put on a weight very quickly, but she appeared to be eating very little food saying that she constantly felt sick.

Nikita had never liked people being too close and encroaching upon her personal space, but she started to dislike being touched at all, even hugged by family and friends. She became withdrawn and didn't share anything about herself at all anymore. As her family, we thought that she was just maturing and finding her independence. We thought that maybe she was experiencing stress at university with her new course. She was not keen to talk about herself.

In 2012, Sunila and Umesh took on another business, operating an Indian restaurant like Sunila had always dreamed. Nikita was a huge help to her parents. She worked at the restaurant 3-4 nights a week, especially on busy weekend nights. She managed the entire front of house, taking bookings for dine-in guests, orders and takeaways, greeting guests, packing and delivering takeaway food orders, assisting the head chef in managing and

prioritising orders in the kitchen and managing the bar. Nikita provided constant support. Her generous personality and smiling face left a lasting impression on the customers. She held charity fund raising events at the restaurant. Nikita wanted to use every opportunity to dance and also used her talent for a range of charity work. In particular she raised money for the Cancer Council Relay For Life event every year for 3 years, and performed Bollywood dancing at Relay For Life events. She also raised money for the Pink Ribbon breast cancer research initiative by organising and dancing at a Bollywood-themed fundraiser at her mum's restaurant in 2013.

The restaurant combined Sunila's dream of cooking home-style north Indian food and Nikita's dream of having a convenient space to regularly dance. Nikita came up with the idea of holding Bollywood themed nights at the restaurant, run by her mum once a month. Nikita would choreograph a demonstration dance, and then a simpler version of the dance for the diners to learn. She would lead the customers in a half hour Bollywood workshop teaching them classic dance moves. The customers always commented on her warm and kind personality, how clearly and well she demonstrated the dance moves and how much fun she made these workshops.

But her family continued to be concerned about her health. Her weight gain continued and although she usually appeared to be smiling on the surface, she was often very withdrawn and uncomfortable talking about herself, her friends and her activities and sharing any information about things that were going on in her life. This worried our family. She displayed symptoms of extreme anxiety and severe depression.

During 2012 and 2013, Niki's mental health appeared to worsen despite being very physically active including dancing through Bollyfunk Creations and participating in a busy performance schedule through her university degree. We continued to have concerns about her health and wellbeing.

In early to mid 2013, Nikita commenced professional medical treatment for her mental health.

Later in April 2014, Niki choreographed a number of group dances for weddings of family friends in the Indian community. During 2014, Nikita also started working with Naturally 7, an internationally known band. This came about because of a friendship Nikita had formed with Roger Thomas, the leader of the group, in 2008 when she attended one of their concerts with her parents as a fan. Naturally 7 are an a cappella group from Brooklyn, New York. Nikita had kept in touch with the group and evolved from a fan to a colleague over several years. Naturally 7 were interested in her choreography and asked her to choreograph and direct the video clip for their Christmas single, 'God Rest Ye Merry Gentlemen'. Nikita was very excited about this video and what it meant for her career. She worked on it from June to November 2014, and told her family it was a big break that could help her get noticed by more people in the industry.

During July, August and September 2014, Nikita also helped her brother Tarang plan and orchestrate a flash mob dance proposal to his then-girlfriend. Nikita organised and led a secret dance rehearsal for 25 of their friends. The proposal went viral on YouTube and made the news domestically and overseas. Nikita was very proud of the proposal and told her brother it was the most special thing she'd ever done.

In August 2014, Nikita started losing weight with the help of a doctor. Nikita's weight loss became very evident from October 2014 onwards and this had a huge positive impact on her self-confidence. She said she started to feel better about herself. She became more energetic and upbeat.

In November 2014, Nikita finished her studies at Monash University and applied for a job. She still wanted to pursue a career in dance, but needed the initial financial stability to do so. In December 2014, Nikita started her new job. She seemed happy and told her family that she was making good progress with her health. She appeared happy for the first time in years and her skin was glowing.

At Christmas 2014, Nikita was radiant and bubbly, laughing and joking with family. She seemed much more like her usual self that we had not seen for a few years. We were so happy to see her like that. Nikita's mum bought her a new dress and she wore it for the first time. She was visibly excited and talked about how much weight she had lost and being able to shop where she liked. She said she was growing in confidence and liked being in photos now. Nikita talked about liking her new job and her future work with Naturally 7 that was planned for 2015.

On Friday January 9 2015, Nikita's family learnt from Victoria Police that she had been murdered overnight allegedly by Parminder Singh.

3. NIKITA WAS A VICTIM OF ONGOING DOMESTIC VIOLENCE AND EXPLOITATION

In 2008, when she was 16 years old, Nikita was introduced to Parminder Singh. He was 6 years her senior. They later started a relationship.

From this point on, Nikita was a victim of emotional and physical abuse perpetrated by him.

In the first instance, Singh manipulated Nikita and exploited her for visa purposes in order to stay in Australia. He subjugated her into reducing her contact with her family and friends in order to isolate and control her and satisfy immigration requirements such as residing together.

Nikita was vulnerable to his exploitation and abuse due to her low self-esteem, mental health issues, naivety and other cultural factors. Nikita did not report the abuse to authorities, however as statistics demonstrate, when a man kills his female partner, it is very rarely the first instance of intimate partner violence that he has committed against her. He dominated her in an abusive and controlling relationship including but not limited to physical, verbal, emotional and psychological abuse.

As a consequence of his actions, Nikita's mental health and weight worsened from 2011 to mid-2014. She suffered from severe anxiety and depression.

From 2013 onwards, Nikita sought professional medical assistance for her deteriorating mental and physical health. Through the support of her family and the advice of her treating practitioners Nikita was able to take steps to improve her health.

In 2014, Nikita was in her final year of university. From August 2014, as Nikita's mental health began to improve and she made plans for graduating and her future career, she looked forward to her future.

In December 2014, Parminder Singh went on an extended trip to India. During this time, Nikita was able to concentrate on her own mental health and wellbeing. Having doubts about wanting to continue the relationship, during this time and with the distance between them, she developed the courage to decide that she wanted to leave him.

Parminder Singh returned to Australia on 7 January 2015. Nikita told him that she wanted to end the relationship. On 9 January 2015, he killed her.

As Nikita's depression and self-esteem improved and when she told him that she wanted to leave the relationship, this threatened his control and he took her life. Parminder Singh may

also have killed Nikita in order to remain in Australia as Nikita ending the relationship may have affected his legal right to remain in Australia.

4. RESPONSES TO ISSUES PAPER

- 8. Tell us about any gaps or deficiencies in current responses to family violence, including legal responses. Tell us about what improvements you would make to overcome these gaps and deficiencies, or otherwise improve current responses.**

Government responses

- A government agency whose goal is domestic violence elimination should be legislatively established to develop and implement a coordinated response to the epidemic of family violence.
- Government funding for support of domestic violence victims should be increased, not cut back. Funding for victim support services is not adequately in line with community need. Support services include counselling, crisis accommodation, health services, financial assistance, legal assistance and relocation assistance. These services are required as family violence is synonymous with displacement for women and children, and being a victim of family violence places an undue burden, especially financially, on victims, and this is not currently recognised in government responses.
- Government should commit to greater awareness-raising about the prevalence of family violence and that support services are available to assist victims. Similar to TAC advertising, such awareness campaigns should be impactful, wide-reaching, frequent and multi-platformed (TV, print, online, mobile, billboards, posters).
- The information and support available for domestic violence victims and related victims needs to be synthesised, promoted, curated and kept current. Currently, support services and the information available is highly siloed and fragmented. As a starting point, a centralised, government-administered online information hub with practical information to assist victims at every stage of the process of dealing with the impacts of domestic violence would be highly beneficial. It could include what is domestic violence, a 'warning signs' tool, information about practical steps victims can take to protect themselves, hotlines to call, information about non-legal remedies, legal remedies (eg intervention orders), divorce, housing and support services, and for further on in the process - information about victim support workers, funeral homes, a database of psychologists and psychiatrists experienced and trained in grief/trauma counselling, lawyers available for general legal advice, VOCAT lawyers, probate lawyers, information about dealing with the media and support groups. The website could also have discussion boards to form a community and platform. While similar websites presently exist, they are fragmented and not practically focused.

Legal responses

- Coronial inquests should be mandatory for every death where domestic violence is suspected or confirmed as the cause of death. The law continues to prioritise the rights of offenders over victims, and focus on the offender and their power in dictating legal process. Where an offender has killed his partner, the evidence in the case is

based on what they say and the victim remains voiceless. In particular, circumstantial evidence relevant to the relationship between the victim and perpetrator, and the context of their relationship, is not relevant in the eyes of the law. Prosecution focuses solely on the 'act' committed and the death of the victim. A more thorough approach that would practically assist understanding, prevention and deterrence would involve a consideration of the complete circumstances of the relationship and its nuanced facts. A mandatory coronial process would partially assist to investigate cases more completely and provide information to enable the prevention of future deaths. Part of the coronial process should include consultation with the families of domestic violence victims killed by their partners, including a specific discussion about how the victim's death could have been prevented; this discussion should be fed into some form of report to a government body so that findings can be used to benefit society in an ongoing way.

- Sentencing of perpetrators of domestic violence needs to be reformed; higher sentences are integral. The law should recognise that the possibility of rehabilitation, primarily in cases of murder, is likely to be limited, as the violence is often tied to subtle yet ingrained misogynistic views about women. Sentencing in Victorian domestic violence cases is too lenient and out of line with community expectations. Current sentencing practices do not give credence to the significant power imbalance that exists between the perpetrator and victim. Studies should be undertaken of sentencing trends and practices in domestic violence cases, and how they compare to other assaults and homicides. Law reform recommendations should be considered and reported upon. It remains to be seen whether baseline sentencing will address this concern.
- Reforms to privacy laws should be considered to allow integration and coordination between bodies which come into contact with suspected or actual family violence victims. When victims are alive, privacy laws limit the ability of agencies to share information which could potentially assist the victim. See response to question 9 for further information. After a victim's death, there is no privacy and their life and death is sensationalised and picked apart by the media.
- Courts should institute procedures to more effectively control the release of evidence to the media in criminal cases before a trial has commenced and concluded. Alternatively, media laws should be instituted or reformed to regulate the publication of evidence before a trial. Currently, the media can obtain an entire brief of evidence at the committal mention hearing, stage even if a committal does not ensue. The media appear to only be bound by an undertaking made to the Court, by way of provision of a signed form,¹ to use the brief to "make a fair and accurate representation of the proceeding" and "not publish any evidence which has been given or referred to in the absence of a jury". These undertakings are grossly ineffectual where the tabloid media is concerned. Substantive evidence has been published by the tabloid media,

¹ See eg [https://www.countycourt.vic.gov.au/sites/default/files/County%20Court%20Guidelines%20for%20the%20Media%20\(21%20November%202013\)%20-%20FINAL.pdf](https://www.countycourt.vic.gov.au/sites/default/files/County%20Court%20Guidelines%20for%20the%20Media%20(21%20November%202013)%20-%20FINAL.pdf)

including audio and pictures, accompanying sensationalised, factually incorrect, insensitive, offensive unsubstantiated allegations and entrenched victim blaming (eg. publishing an image of the murder weapon on the evening news, and playing audio evidence of the perpetrator's alleged confession on the news). The police and prosecution lawyers are powerless to respond to or change this. As are media regulators at the contemporaneous time. This information is then accessible by witnesses and potential jurors before any real trying of fact commences. Procedural or law reform is required to prevent this occurring through a combination of increasing control over the release of evidence by courts, deterring this journalistic behaviour through a variety of penalties and establishing a regime for immediate reporting, revision and retraction.

Media responses

- Through education, training and awareness campaigns, the media needs to reform the way in which it reports on domestic violence cases. Currently, the media tends to sensationalise the reporting of domestic violence cases (eg the Herald Sun). This is not limited to tabloid papers. Questionable journalistic practices are present in reporting about domestic violence across media outlets. Victim blaming is common in media reporting, especially in response to the victim's actions and intent, including to leave the relationship. The media tends to reports statements made by the perpetrator as fact without any journalistic interrogation. The motives of perpetrators are not questioned. The media continues to focus on and pose questions about the victim's life and actions in a way that frames and insinuates their own responsibility for their death. This is ignorant and reprehensible.
- Families should have recompense to request that inaccurate content, or content which is offensive or could jeopardise future criminal proceedings be removed from publication. Currently, there is no avenue to request that factually incorrect and insensitive information be removed or amended. If the media read the brief of evidence inaccurately, their erroneous reporting stands perpetually. On the opposing side of the spectrum, related victims and witnesses are under strict instruction to be mindful of public comments in order not to prejudice the trial or be held in contempt of court. See also response to question 9.

Educational responses

- Early intervention through educational channels is key.
- Teach boys and girls what constitutes a healthy relationship, the definitions of domestic abuse including emotional and other abuse, the unacceptability of physical violence and the support services available for women experiencing domestic violence. In particular:
 - Teach young women about domestic violence in their formative years when they start to enter relationships (eg middle school, high school and university) to help women gain a foundational understanding about what constitutes

domestic violence, what constitutes a “healthy” relationship and to help empower young women.

- Teach boys about gender equality and respect for women (eg middle school, high school and university) to address gender inequality, which is one of the primary, underlying causative factors of domestic violence.
- Provide women training in assertiveness and self-confidence; and then further reinforce these messages at the TAFE/University level, and in the workplace.

Police responses

- Police resources to investigate and prosecute domestic violence cases should be increased and prioritised; police are under resourced to respond to the complexity of domestic violence cases.
- In domestic violence homicide cases where strong circumstantial evidence exists against the perpetrator, the police divert their resources toward other cases (especially, but not limited to, the e-crime unit, where there exists a huge backlog for analysis of computer evidence).
- Police/government should establish a centralised contact/reporting procedure for women experiencing domestic violence or families/friends concerned about a woman potentially experiencing domestic violence. A 24 hours police hotline could be set up manned by trained officers able to offer immediate assistance to victims in crisis, including offering practical suggestions, police escorts and crisis housing links. Ideally, a woman should be able to make a call to the police, or walk into a police station, and be connected with and escorted to safe crisis housing immediately to guarantee her physical safety.

Educational provider responses

- Universities have a duty of care to their students and this should extend to having systems in place for linking students with identified mental health problems to available university support services and ensuring consistent, centralised and documented follow up. This should include procedures for identifying victims of domestic violence, perhaps an intake questionnaire. See also the response to question 9.
- Universities should have crisis housing available for victims of domestic violence.
- Universities should have a trained mental health professional nominated as a domestic violence prevention officer, who promotes information about domestic violence and support resources to students, and is available to students for confidential advice and support.

- 9. Does insufficient integration and co-ordination between the various bodies who come into contact with people affected by family violence hinder the assessment of risk, or the effectiveness of (early intervention, crisis and ongoing) support provided, to people affected by family violence? If so, please provide examples.**

Healthcare responses

- There needs to be greater coordination between healthcare providers to support victims of domestic violence. Currently, there is a lack of integration and coordination between various bodies which come into contact with family violence victims. Part of the issue is that family violence victims come into contact with healthcare providers whose interests and aims are separate but related; these providers are not necessarily trained to identify victims of domestic violence and act to assist them or communicate with agencies that can act to support victims. In particular, in patients with known mental health issues that increase their vulnerability, practitioners (doctors, psychologists, psychiatrists) should be given training to identify and intervene in relationships where abuse is a valid concern. Proper risk assessment of patients needs to be undertaken from the outset to test for risk factors or indicative factors, for example, a questionnaire, the ability to access collated medical records from different providers, and the ability to check records to independently confirm a patient's address and marital status.

Immigration responses

- The Department of Immigration should institute additional measures and more stringent checks to determine and ensure that visa applications are not made under duress and Australian women are not manipulated and/or exploited for their residency status. This is a not insignificant issue in certain CALD communities. See also the response to question 17.

17. Are there specific cultural, social, economic, geographical or other factors in particular groups and communities in Victoria which tend to make family violence more likely to occur, or to exacerbate its effects? If so, what are they?

- In the Australian-Indian community, some males are raised in and perpetuate a strong culture of misogyny and exercise strict control over women. These individuals tend to originate from particular regions. Boys are socialised into this behaviour from a young age and exhibit it through a need for control over women.
- There are other social and economic factors that enhance the vulnerability of women from an Indian background within the Australian community. There are Indian men who seek to migrate to Australia and exploit women for their residency status. This is a not uncommon strategy that is sometimes the subject of financial arrangements and strategic transactions between the men seeking to migrate and men who 'introduce' those men to Australian women. These practices should be investigated and ended. These men enter into relationships with women to secure permanent residency and Australian Citizenship. At times, this is done with a long term view to secure residency rights for the family of the man. The woman is rarely aware that she is being exploited.
- Culturally, women are not empowered to "speak out" against abuse perpetrated against them. Silence of women is prevalent in parts of the Indian community. This manifests itself through women being viewed as lesser to men on all fronts and in all ways. In particular, it is believed by some in the Indian community that if a woman speaks out about an abusive partner by attempting to report him to police or seek

assistance from support services or even confide in a close friend, then this will be seen to bring shame upon the family and should be strictly avoided. Therefore a strong culture of “keeping abuse in the family” persists.

- In addition to the fear of not being believed when reporting abuse, a mistrust of authority exists within the Indian community due to perceived or actual racism committed by law enforcement authorities.