We need answers to the doubts and distrust raised by the call for sharia law

Posted: Fri, 10th May 2013 by Kris Hopkins MP

We have the privilege of living in a free society, in which the rights of the individual are not determined by their gender.

We live in an open, tolerant country, which rightly welcomes people's different faiths and religious beliefs and is diverse and benefits socially, economically and culturally from that diversity.

Many individuals have campaigned, fought and given their lives for the freedom and values that make up the United Kingdom.

This is a special place, embracing democracy, free speech and, just as important, a justice system that has evolved over a millennium.

One of the cornerstones of our justice system is that we are all equal in the eyes of the law. Embodied in the law of our country are the demands for equality, the challenge to the wrongs that appear in prejudice and discrimination in our lives.

We can be proud – but we should not be complacent – that the vast majority of our judges, magistrates and clerks come from all backgrounds and are of both genders.

When I read that my local council of mosques had issued a press release calling for the Government to recognise sharia councils – they are courts in any other country – and ensure that they are better resourced, I was greatly concerned.

Exploring this issue, I find that most of the debate that reaches the public comes from far Right blogs and racist rhetoric. Little thoughtful contribution to understanding or exploring these issues comes to the fore.

There are a couple of notable exceptions: the work of Baroness Cox and the work of the BBC's Panorama programme, led by the journalist Jane Corbin.

Baroness Cox's exceptional work in the House of Lords seeks to ensure that sharia tribunals and councils operate within the law and should not form a concurrent legal system in the UK. With that aim in mind, I have four questions for the Government.

First, I should like to hear from the Government that we have only one law in this country.

Secondly, I want to hear that sharia councils must comply with UK law. That includes compliance with all equality and anti-discrimination laws and family law.

Thirdly, I should like to understand how the Government will ensure compliance and what penalties will be applied to a council or court if it breaks the law.

Fourthly, I should like to know what consideration the Government has given to ensuring that all sharia marriages are legally underpinned by a compulsory civil marriage.

In the recent Panorama programme, it was evident that women were not being treated equally.

In the so-called arbitration process, even a simple issue of cost was clearly discriminatory. Women pay £400 to get a divorce; men pay nothing. Women are encouraged not to report to the police. A woman was given a divorce only after she agreed to hand over her children to the husband. The council or court was only ever made up of men or a man.

I understand that the act of determining child access or contact cannot be undertaken in law by a sharia council or court.

I hope that, if evidence of wrongdoing can be established, those who have broken the law, as shown in the programme, will be pursued.

On seeing the programme's evidence, the chief crown prosecutor for the Crown Prosecution Service in the North West said that he was disappointed, but not surprised. If the CPS is not surprised about such findings, why are we, as a Government, allowing such things to happen?

The director of Inspire, an organisation with an impeccable reputation, issued a statement: "Panorama's programme on the unregulated and discriminatory practice of some of Britain's sharia councils has been of long concern to Inspire.

"Secrets of Britain's Sharia Councils highlighted how some of the services provided by sharia councils, in particular arbitration and mediation services, operate in a way that is at times discriminatory towards women, undermining their human rights which should be protected by British law, especially with regards to child custody and domestic violence cases."

That is part of a long, detailed release that is a thoughtful contribution to the debate. That paragraph in particular highlights problems that I am concerned about as well.

I want to discuss underpinning religious marriage with civil law marriage. Some men are choosing not to marry through the civil law process, because it makes divorce simpler and does not enable a woman rightly to claim her share of the assets at the time of divorce.

There is also an opportunity for men to marry a second wife, because the first sharia marriage is not recognised in law.

We have to ensure that the rights of women are protected. I therefore concur with Inspire's call that all sharia marriages be simultaneously registered as civil marriages, thus offering much-needed protection to women.

I believe that, sadly, the word 'sharia' has more negative connotations than positive images in our country. Only by exploring why will we begin to address those concerns.

Unlike the far Right, I do not believe that Islam is evil. We should not underestimate the level of distrust and sometimes fear that exists.

It is our responsibility to challenge the wrongdoing and allay those fears.

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