

# High Court rules against sharia-only divorce claim

Posted: Thu, 23rd Feb 2017

The Family Division of the High Court has ruled against a man who claimed his marriage could only be dissolved under sharia, and that his wife must travel to Pakistan for a divorce.

After the woman petitioned for a divorce in England, her husband argued that a sharia marriage could not be dissolved by a UK court, [Asian Image](#) reported.

The unidentified man claimed that because the marriage was conducted under sharia, his wife, who has both British and Pakistani nationality, had to travel to Pakistan to pursue the divorce.

But Mr Justice Francis rejected his arguments and said that it would have "far-reaching consequences" to accept the husband's line of argument, including "racial and gender discrimination".

"It would be racial discrimination because what is said is that because the wife has dual nationality, both British and Pakistani, that as a national of Pakistan she should be treated differently from a British citizen who is not a national of Pakistan."

The judge added that it was "clear" that "the rights granted to men in Pakistan to secure divorces pursuant to the laws of that country are different from the rights granted to women and that it is more onerous for a woman to secure a divorce in Pakistan than it is for a man."

If he accepted the man's claims, Mr Justice Francis said it would mean the woman would be "subjected to different rules of English law than people of other faiths or other nationalities living here."

He concluded that she had every right to pursue a divorce in England.

"So far as the husband is concerned, he says that he was married pursuant to Sharia law, that is a religious contract, and he contends that only Pakistan has the jurisdiction to hear this divorce.

"He does not want to get divorced and does not intend to get divorced.

"The consequence, therefore, of his proposition is that the wife, who works and lives in England and pays her taxes in England and is habitually resident here, and domiciled here, at least for tax purposes, should have to travel to Pakistan to secure a divorce."

The National Secular Society has welcomed the ruling. NSS campaigns director Stephen Evans commented, "The alternative would mean a British citizen being subjected to sharia law abroad just to seek a divorce. We are pleased the judge has protected her rights and taken a stand against the imposition of sharia law via this backdoor."

- [Share on What's App](#)
- [Share on Facebook](#)
- [Share on Twitter](#)
- [Share on Email](#)

- [Subscribe to RSS Feed](#)

Tags: [Marriage](#)

## Related Campaigns

- 

### [Reform wedding laws](#)

Make marriage fairer for all people of all religions and beliefs.

[Read More](#)

## Related Articles

### [Don't let the Church dictate how we marry](#)

In justifying its uniquely privileged position as the [established religion](#), the Church of England likes to portray... [Read More »](#)

### [Homophobic churches and liberal states make for unhappy bedfellows](#)

*Parliament should begin the process of disestablishment rather than try to fix the Church of England, argues Stephen... [Read More »](#)*

### [NSS welcomes recommended reform to weddings](#)

The National Secular Society has welcomed a government-commissioned report recommending reform of wedding laws in... [Read More »](#)

### [N. Ireland to adopt marriage law reforms backed by NSS](#)

Northern Ireland will adopt proposals backed by the National Secular Society to modernise marriage laws.

In a [statement... \[Read More »\]\(#\)](#)

## **NSS welcomes legalisation of outdoor weddings in England & Wales**

The National Secular Society has welcomed moves to permanently allow outdoor weddings in England and Wales.

The government... [Read More »](#)