

Protect one law for all

The secular law of the United Kingdom should protect the rights of people in all communities, and it should not be undermined or supplanted by any parallel religious system. People have the right to seek spiritual and religious advice. But misinformation and malpractice can risk religious rulings being imposed on vulnerable groups.

What's the problem?

There are thought to be upwards of 100 sharia councils and tribunals operating in the United Kingdom, offering arbitration and mediation services, and dispensing religious rulings on marriage, child custody and divorce. These are not courts of law but there are concerns that Muslim women (especially those not born in the UK and/or unable to speak English) perceive them as having real legal authority.

Sharia is a system which leaves children vulnerable and discriminates openly against women, undermining their legal and political equality. Sharia Councils have been shown to have acted in ways contrary to the law and leaving women vulnerable to domestic abuse. As such, we argue that the state needs to better tackle the numerous problems and dangers the use of sharia councils brings with it.

To seek a religious divorce a woman must gain permission from these almost entirely male councils, and there are reports of women being denied this request even in cases where she had faced abuse.

If a woman is 'divorced' suddenly, or against her wishes, she can be left homeless and without any money or assets, because the 'marriage' has no legal force, giving her no rights or legal protections.

Protecting women's rights is the priority, but that isn't the only concern. The existence of these parallel legal systems poses a threat to common citizenship and undermines the integrity of secular law.

There is no easy answer to challenging the hold of sharia councils over these communities. The problem is not only one of supply, but also of demand. If there is no demand for sharia councils, the influence of these bodies will collapse. We believe the demand for sharia is best tackled in the education system as a part of citizenship education and this will be aided by anything that breaks down barriers between communities and reduces segregation.

What are we doing?

- We are founder members of the [One Law for All Campaign](#) which launched in 2008 to call on the UK Government to recognise that sharia and religious courts are arbitrary and discriminatory against women and children in particular and that citizenship and human rights are non-negotiable.
- We recently submitted [evidence](#) to the Home Affairs Select Committee Inquiry into Sharia Councils, arguing that the secular system must not be undermined. We have also been supportive of [efforts in Parliament](#) to tackle the inherent gender inequality and discrimination

promoted by religious tribunals such as sharia councils.

- We are also advocating for an information campaign to reach out to women and inform them of their rights in law. All schools, both in the state and independent sector, should be under a duty to promote understanding of citizenship and legal rights under UK law so that people – particularly Muslim women and girls – are aware of and able to access their legal rights and do not regard religious 'courts' as sources of genuine legal authority.
- In addition, we [successfully campaigned](#) for the withdrawal of a Law Society sharia succession practice note which sought to assist solicitors in drafting 'sharia compliant' wills, arguing that by publishing the guidance, the Law Society was issuing religious rather than legal advice and effectively legitimising sharia and encouraging discrimination.
- In 2018 we joined campaigners in signing a [letter](#) to the Ministry of Justice calling for the government to withdraw divorce guidance which encourages women from minority religious backgrounds to turn to religious 'courts', and for an urgent review into sharia and civil marriage and divorce laws and to guarantee access to justice for all".

What you can do:

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[Sharia 'law'](#)

What is sharia 'law' cutting through the hysteria and the obscurantism to the human rights issues it raises.

We occasionally see hysteria about sharia 'law' in the UK, sometimes tied to anti-Muslim bigotry as well as simple misunderstandings. It is important that we always look to the substantive critiques of sharia 'law' and related practices which come from the most reputable (and often Muslim led) human rights organisations, including those with experience working in British Muslim communities. These include [One Law For All](#) - a leading UK group critical of sharia law; [Southall Black Sisters](#) – a human rights organisation with a wide experience in the domestic violence and BME sectors; [British Muslims for Secular Democracy](#); British Arabs for Universal Women's Rights and [Equal and Free?](#) – a campaigns group to support better regulation of arbitration and mediation services

It is only fringe groups (at least in the UK) that are concerned about the imposition of sharia criminal law. Some fringe Islamist groups advocate for its imposition and some fringe far-right groups are worried about this, so the real issues we are addressing are with sharia civil 'law'.

All reputable human rights organisations critical of sharia 'law'/ sharia based arbitration/mediation, recognise that there is a need to balance an individual's religious freedom to voluntarily access these services, and the need to prevent coercive practices, to better educate citizens about their rights and to prevent wider societal harms associated with the undermining of one law for all. We largely advocate for a civil society response, but there is undoubtable some role for the state to work intelligently and proportionally.

The idea that these practices are simply voluntary ignores key contextual issues. In theory one may choose (and should be free to access) whatever arbitration system they like. However we cannot ignore the factors of communal coercion that undermine the 'voluntary' nature of such a choice. Already marginalised groups (including women, immigrants, those unable to access secular avenues for justice because of information, cost or language barriers and those who are not properly aware of their legal rights and avenues to access secular justice) are particularly vulnerable to such pressures.

Taking the example of Muslim marriage: a Muslim couple may make an informed choice for personal reasons to have a religious only marriage and forgo the legal protections of a properly legally registered marriage, and one may argue that they should have this freedom. However in arguing this one would need to recognise that many Muslim women are finding themselves without legal protections that they thought they had from their marriage and have not voluntarily forgone.

While sharia 'law' is not a part of the English legal system (or any UK legal system), the state has a duty to regulate certain arbitration services. The expansion of sharia 'law' practices (and the associated communal coercion and problems with accessing justice mentioned above) has created an effective parallel legal system in many areas as well as demand (usually from conservative 'religious leaders' rather than ordinary Muslims) for an ever increasing range of sharia compatible services.

Those concerned with the values of common citizenship and working for the broad advancement of human rights, have a strong interest in challenging any system which would undermine (or give the appearance of undermining) the common secular legal system and common human rights practices. Those concerned with issues of gender equality and gender based violence cannot (and should not) ignore the role of practices or institutions which are 'voluntary'. Many secular and liberal Muslims also object to the current trend towards more sharia compatible services, which are often advocated for by 'religious leaders' who are more male, old and conservative than the average British Muslim.

On the subject of sharia compatible wills, under UK justice systems 'testamentary freedom' is an important legal principle. Of course a Muslim (or anyone else) is free to divide their estate however they wish and in however a discriminatory manner they wish. However legal professionals and professional bodies also have codes of practice and ethics which they are bound to uphold. Anyone may instruct their solicitor to draw up a will based on discriminatory principles, however a solicitor should not advertise or advise in favour of discriminatory principles.

We are founder members of the [One Law for All Campaign](#). The Campaign launched in 2008 to call on the UK Government to recognise that sharia and religious courts are arbitrary and discriminatory against women and children in particular and that citizenship and human rights are

non-negotiable. The campaign aims to end sharia and all religious courts on the basis that they work against, and not for, equality and human rights.

We do not believe a simple 'ban' will ever eradicate the problem of religious legal systems. Instead, the demand for them must be tackled through better education about and access to secular justice systems.

Individuals should always be free to seek religious advice on personal matters. However, allowing groups to opt out of the state legal system in favour of a religious alternative strikes at the heart of citizenship and a cohesive society

Religious tribunals must be completely separate from the state legal system and should not be granted authority to adjudicate upon areas governed by the state legal system, or admitted, in any way, into the administration of family law or any judicial proceedings.

Acceptance of religious tribunals in secular matters by the state may reduce access to secular courts (and knowledge of secular legal rights) amongst the groups who are seriously disadvantaged under religious 'law'.

While you're here

We're been challenging religious threats to equality and human rights for over 150 years. Our huge progress needs to be protected and there's still work to be done. Will you help?

- [Support us from just £1 a month](#)