

Sharia rulings on divorces and disputes to be rubber-stamped by English courts, Telegraph, 26 Oct 2008

By Chris Hastings, Public Affairs Editor

Civil rights campaigners are angry that ministers have approved plans to allow Sharia councils in Britain the right to settle disputes regarding money, property and access to children.

They say such tribunals are institutions for male domination which treat women like second-class citizens.

Couples who choose to use the Sharia system must get the ruling rubber-stamped by a judge sitting in an ordinary family court.

But neither party has to attend this hearing and approval can be obtained by filling in a two-page application.

The endorsement of Sharia was announced to MPs by Bridget Prentice, a junior minister, in answer to a parliamentary question.

She said Sharia councils would still have no jurisdiction in England, and rulings by religious authorities would have no legal force.

But she added: "If, in a family dispute dealing with money or children, the parties to a judgement in Sharia council wish to have this recognised by English authorities, they are at liberty to draft a consent order embodying the terms of the agreement and submit it to an English court. This allows English judges to scrutinise it to ensure that it complies with English legal tenets."

Campaigners condemned the plans as unacceptable and said that the rulings were not compatible with English law, while the Conservatives insisted that should be safeguards for women.

Nick Herbert, the shadow justice secretary, said: "There can be no place for parallel legal systems in our country.

"It is vital that in matrimonial disputes where a Sharia council is involved, women's rights are protected and judgments are non-binding."

Another Conservative spokesman, Paul Goodman, the shadow minister for communities and local government, accused the Government of keeping the public in the dark and warned: "There must be one British law for everyone."

Dr David Green, the Director of the Civitas think tank, said: "I think there are a number of problems with regards to Sharia law. These Sharia councils are supposed to operate under the Arbitration Act which allows citizens in a free society to settle their disputes on a voluntary basis if they so wish.

"But that legislation assumes that both parts are regarded as being equal. I think the problem is with tribunals like these you can't always be sure that women would be treated equally.

"Under Islam a man can divorce a woman just by saying I divorce you three times. But a woman must go to a Sharia court to seek a divorce. Often the ruling goes in favour of the woman, but I think on the whole these councils are institutions for male domination. As a result I do not believe these rulings and proceedings should be recognised under British law.

“Under the traditions of Sharia law the voice of a women is not equal to that of a man.”

Mr Goodman said he did not object to the new rules in principle, on condition that all women were in receipt of proper safeguards. But he criticised the manner in which the Government had quietly introduced the new rules.

“The manner in which the Government has introduced these rules has been completely unsatisfactory,” he said. “There was no major announcement about this when it was quietly introduced in 2007. The public have been kept in the dark about what is going on.”

“Our understanding is that certain Muslim arbitration tribunals have been licensed to operate in the confines of the Arbitration Act just like the Jewish beth din courts. We have no objection in principle to these organisations operating within the confinements of the Arbitration Act.

“But we would be concerned about Sharia councils operating outside the confines of the Arbitration Act. We have raised concerns that in all circumstances women who attend these proceedings should and must attend on a voluntary basis.”

A spokesman for the Ministry of Justice defended the changes. She said: “These procedures would not allow anything that would not be permissible under UK law.

“The Sharia Council can sit both parties down if both sides agree and produce a consent order. This then has to be approved by a judge sitting in a family court.”

Islamic tribunals have authority to make decisions in business and financial disputes where both parties are free to accept arbitration. Five Sharia courts operate mediation systems under the Arbitration Act of 1996.

But campaigners say financial disputes are less controversial because they are much less likely to raise problems over the status of women.

A spokesman for the Bar Council also defended the new changes, saying: “Anything that is decided under the Arbitration Act cannot run counter to the fundamental principles of English law.”

<http://www.telegraph.co.uk/news/newstoppers/politics/lawandorder/3258965/Sharia-rulings-on-divorces-and-disputes-to-be-rubber-stamped-by-English-courts.html>