

# GUIDELINES

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A Referral and Information Guide  
on British Family Law, Sharia Law  
and Women's Rights

The One Law for All Campaign was launched on 10 December 2008, International Human Rights Day, 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.

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A Referral and Information Guide on British Family Law, Sharia Law and Women's Rights

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## British Law – What are your Rights?

Men and women have equal rights in British law. This includes family law such as divorce or child custody, and criminal law such as violence. Under British law, a man cannot beat his wife or force her to have sex with him; these actions can amount to serious criminal offences and are grounds for divorce.

In Britain, when a man and woman divorce, the decision on who the children live with (which includes the option of allowing children to live with both parents for equal amount of time) is based entirely on what is in the best interests of the child. Financial decisions on divorce are made on the basis of the needs of the parties and not on the gender of the party or on how much they have financially contributed to the marriage.

This guide aims to give an overview of the rights you have under British law with regard to marriage, divorce, violence, child custody and other issues. It will also look briefly at Sharia law, how it conflicts with British law, and how Sharia tribunals and councils operate in the UK.

The book is not designed as a thorough explanation of the law; all individuals will have specific circumstances and so it is very important to see a solicitor before deciding upon any course of action. Included is some information on how to find a solicitor, as well as information about groups and organisations which may be able to provide more detailed help and advice.

## Domestic Violence

### Criminal Law

There is no specific domestic violence law but varied criminal (and civil) legislation covers incidents of violence in the home. For example, if a man hits his wife, he may be guilty of assault or actual bodily harm or grievous bodily harm, depending on the injuries sustained. These are criminal offences and can carry a prison sentence. The first step to take in bringing criminal proceedings (i.e. to prosecute a person for domestic violence) is to contact the police. You can ask to speak to a female police officer if you wish, and an interpreter should be provided if you

have difficulty speaking English; the police should not allow a family member to interpret for you but should supply an independent interpreter.

The role of the police is to investigate your complaint and provide information to the Crown Prosecution Service (CPS) which will decide whether or not to bring criminal charges. The CPS will base their decision on how likely it is that the prosecution will succeed (i.e. whether the accused is likely to be found guilty by a jury), and whether it is in the public interest for them to prosecute. It may be that it will be decided to give a warning to the person accused of violence; this will depend on different factors. Not all reports to the police will end with the prosecution of the offender – in fact, most reports of violence in the home do not end in prosecution.

When you report domestic violence to the police, you will be asked to provide a statement and this statement will be used as evidence should the case come to court. It is important however to realise that the police can (and do) proceed with a domestic violence prosecution even if you later change your mind and ask them not to proceed, or if you withdraw your statement. If the police have other evidence, and are not dependent on your testimony to prosecute successfully, they may go ahead with the prosecution regardless. This is only likely to happen in very serious cases where the victim has sustained serious injury and there is strong evidence to show who caused the injury, for example, other witnesses to the incident.

Bringing criminal proceedings against an abuser will not cost you any money as the costs are covered by the state. However, in civil or family proceedings, a cost may be incurred.

## Family Law

Domestic violence in family proceedings is primarily governed by Part IV of the Family Law Act 1996. There are protections from violence contained in the Family Law Act. These are not applied by the police but by an applicant (in law 'the Applicant') asking the courts to order a person ('the Respondent') to refrain from any act of violence against the Applicant. Disobeying this order amounts to contempt of court and is therefore a criminal offence which could result in imprisonment. If you have an order from a court that has been disobeyed, the police can be asked to enforce this order.

## What Orders?

The Family Law Act 1996 allows a person ('the Applicant') to ask the court to issue a 'non-molestation order' and/or an 'occupation order' on their behalf. These orders prohibit a specific person ('the Respondent') from behaving violently against the Applicant, or order the Respondent to leave the home of the Applicant. These orders will now be examined in more detail.

### Non-Molestation Order

The courts can issue an order preventing the Respondent from molesting the Applicant or their children. Molesting in this context includes, but is not limited to, acts of violence. It covers threats of violence, pestering (harassing by telephone or email for example), and it also prevents the Respondent from asking any other person to carry out any of these acts. In considering whether to grant a non-molestation order, the court will take in to account the need for protection of the Applicant and their children from the Respondent. Therefore, if the Applicant can show that they are in genuine need of protection from the Respondent (a previous episode of violence or a threat of violence is likely to be enough), they will be granted a non-molestation order.

You have the right to apply for a non-molestation order against a husband/wife, or any person that you live with or have lived with, or a family member, or a person that you will be married to in the future.

### Occupation Order

Courts can issue an occupation order to remove a specified person from their home and/or allow another specified person to remain there. The law on occupation orders is quite complex and your right to apply for one depends upon your property rights i.e. whether you own your home for example. Legal advice should always be sought.

If you apply for an occupation order, the courts will take the following issues in to account in making its decision:

- The housing needs of the parties and any children involved
- The financial resources of the parties
- The effect of not making the order
- The conduct of the parties

They will also apply what is known as a 'balance of harm' test. This means that the court will consider who will come to most harm if an occupation order is made. For example, if the Respondent, or any child, is likely to suffer significant harm if an order is made against them – the question is asked whether this harm would be as great or greater than any harm caused if the order is not made. Again, this is complex and professional legal advice is needed.

### **How do I Apply for an Occupation or Non-molestation Order?**

The application for both of these orders begins by filling in a form called Form FL401. This form can be found on the Courts Service website ([www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)) or you can obtain one from a legal advisor. This form should be filled in and lodged at the relevant court which will issue a hearing date.

Applications for non-molestation or occupation orders are not free of charge to the Applicant; however it is possible to have the costs covered by public funds. Your eligibility for public funding will depend on the resources you have available to you - it is essential that you discuss this with a solicitor before proceeding with any application.

It is also possible to have a non-molestation or occupation order made in an emergency situation. In these instances, it usually means that the order is made without any notice of the application to the Respondent. The courts can make these orders if it finds it 'just and convenient' to do so. The court will consider the risk of harm to you or your children, as well as other factors such as whether you are likely to continue with the application if the order is not issued immediately. Again, legal advice should always be sought on these issues.

## Protection from Harassment

The Protection from Harassment Act 1997 created two new criminal offences. It created the offences of 'criminal harassment' and 'putting a person in fear of violence'. The police should be contacted to investigate such offences. The courts can issue restraining orders against people convicted of these offences.

The Act also created a civil offence (tort) of harassment which is defined as 'alarming a person or causing them distress'. There cannot be only one incident of alarm or distress, but at least two, before the requirements of this law are met. The victim can obtain an injunction against a perpetrator in this instance, or financial compensation. Legal advice should be sought before proceeding in this area, but harassment can be committed by a person with whom you are not involved i.e. you do not need to have a relationship with the perpetrator to apply for an injunction under these laws.

## Forced Marriage

The Forced Marriage (Civil Protection) Act 2007 allows a court to make an order that protects a person from being forced in to marriage. The order can contain prohibitions, requirements, or restrictions as thought fit by the court for the purpose of the order. It also covers conduct that takes place outside of England and Wales. An application for this order can be made by the victim themselves, or by a relevant third party; for example a friend, boyfriend or girlfriend, teacher, or local authority. The Respondent of this order may include family members who are facilitating the forced marriage, or aiding and abetting a forced marriage; the Respondent does not have to be the other party to the marriage. In deciding whether to issue this order, the court will consider the health and well-being of the Applicant or person requiring protection. It will consider their wishes and feelings as appropriate to their age. Any breach of this order is contempt of court and therefore a criminal offence.

## Polygamy

Polygamy is illegal in the UK and marrying more than once constitutes the criminal offence of bigamy. Polygamous marriages are not recognised or protected by British law and it is very important to speak to a solicitor to ascertain whether

your marriage (whether polygamous or not) is recognised in Britain. If it is not, you may still have some property rights and will still have the same rights with regard to your children, but you may not have rights to financial maintenance. If you underwent a nikah, but not a British civil marriage, there is a good chance your marriage is not legally protected. It is important to speak to a solicitor about this before making any decisions on how to proceed. It is also important to note that if you are not married under British law, you are free to leave a polygamous (or otherwise unrecognised) relationship without any legal implications.

## False Imprisonment

If you want to leave the house, find a job, or see friends – your husband does not have the right to prevent this. It is in fact a criminal offence if your husband refuses to allow you to move freely. All women in Britain have the right to move around freely and this does not depend on religion, ethnic background, or nationality. If you are being held in a place that you wish to leave, and you are being held without your consent, you are entitled to ask the police to help you to leave, and you are entitled to leave such a place permanently. Information on groups and organisations that may be able to help you is listed below.

## Obtaining a Divorce

### Petitioning for Divorce

Men and women have equal rights to divorce under British law, and can apply ('petition') for divorce for the same reasons. The reasons a person can use to petition for divorce are listed below, and can be used by men or women equally. The person who applies for divorce is known in law as 'the Petitioner', and the other party known as 'the Respondent'.

There is only one "ground" for divorce in the UK and that is that the marriage has irretrievably broken down. In order to show the court that your marriage has irretrievably broken down, you can use any (or all) of the following factors:

- Adultery – your husband or wife has had sexual intercourse with a person other than yourself. It is not enough however that the adultery has taken place; you must also tell the court that you find it intolerable to live with the Respondent. To rely on adultery as a reason for divorce, you should petition

within six months of discovering the adultery. The rules on this are complex and as always legal advice should be sought (there may be specific issues in your own situation that need to be addressed separately).

- Behaviour – the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with them. The court in this instance will make a judgment on the behaviour of the Respondent and its effect on the Petitioner. Each case will be decided according to their own specific facts. However, physical violence, verbal abuse, demands for sex (or persistent refusal of sex), intimate relationships with other parties (even if not sexual), cruelty, failure to provide money or food or affection – all count as reasons to establish the required behaviour. There are complex time limits in operation when intending to rely on behaviour as a reason for divorce; again specific legal advice is needed.
- Desertion – the Respondent has deserted the Petitioner for a continuous period of at least two years. This area is complex; you must be able to show the court that the Respondent intended to bring the relationship to an end when they 'deserted' you, which can be difficult to do.
- Two years separation with consent – for this, you must be able to show that you have been separated for at least two years, and you must have the consent to divorce by the other party. It is important to note that you do not have to live in different houses in order to be separated – you could live in the same house but carry on separate lives and this will constitute separation.
- Five years separation – this is identical to the two years separation above, except that you need to be separated for a period of at least five years, and you do not need the consent of the other party.

Petitioning for divorce can be expensive. However, public funding may again be available (depending on your resources) and this should be discussed with a solicitor at the outset.

Parties must be married for at least one year before either can petition for a divorce.

## Custody of Children

When a couple divorce, they are free to make arrangements for where their children will live, and other decisions about their upbringing, and come to an agreement on this. If there is animosity between a divorcing couple and they cannot come to an agreement with regard to the children, either parent can apply to the court for orders which will determine where the children will live, and other matters. These will now be looked at in more detail.

## Residence Order

A residence order will decide with whom a child will live. It is possible for both parents to have a residence order and the time the child(ren) live(s) with each parent will be specified in the order. A residence order can also be made in favour of an adult who is not the child's parent. A court has discretion to attach directions or conditions to a residence order e.g. where the child is to go to school. If a residence order has been made, no person can change the child's name or take them out of the UK without either the permission of everyone who holds parental responsibility for the child, or order of the court. A residence order automatically gives parental responsibility to the adult or adults in whose favour it is made.

## Parental Responsibility

Parental responsibility is a legal status held by an adult which gives them the rights, duties, powers, responsibilities and authority which by law a parent would have in relation to a child and his/her property. Mothers automatically gain parental responsibility when they give birth. Fathers gain it automatically if they are married to the mother at the time of the birth (or by marrying the mother afterwards), or if they are named as the father of the child on the birth certificate. Parental responsibility can be awarded through the courts issuing a parental responsibility order, or by formal written agreement with the child's mother. If a child's mother is not willing to give parental responsibility to a father, he may apply to the court for this. In making its decision, the court will consider the degree of commitment the father has shown to the child, his reasons for applying for the order, and the state of relations between the father and the child. Step-parents and civil partners can also apply for parental responsibility.

Local authorities can also be granted this if it is in the best interests of a child, and there is no limit on the number of people who can share this responsibility. It ends when a child reaches maturity – 18 years old or 16 if the child marries before that age is reached.

## Contact Order

A contact order is made upon the party with whom the child lives and orders them to allow another party to have contact with a child or children. It is important to remember that contact orders are made and decided upon based on what is in the best interests of the child or children, and not the adults involved. The courts approach the question of contact with the assumption that all children have the right to have a relationship with both of their parents, and will only move away from this if there are good reasons to do so.

Like a residence order, a contact order can be made with conditions and directions attached. These directions may include dates and times at which the child should have contact with a named person, or whether the contact should be supervised. A contact order can also be made to prevent the child having contact with a particular person.

A contact order does not give parental responsibility to the party in whose favour it is made.

## Domestic Violence and Child Contact

It can be difficult for a parent e.g. the child's mother, to understand why she has been ordered to allow her former husband contact with her children if he has been violent towards her. However, as it is the child's interests that are the court's primary considerations, this can often happen. In making its decision in such cases, the court will apply the usual welfare tests (to be discussed below) but will also look in to the past conduct of both parents, the effect of the violence on the child and the parents, the motivation of the parent seeking contact, and the ability of the offending parent to recognise their past conduct.

If a parent refuses to obey a contact order, the court may make steps to enforce the order. The court may penalise the offending parent financially or may bring proceedings for contempt of court – which is a criminal offence. The court should

attach a full warning of the consequences of disobeying the order, to the order itself. It is very important that you obey any order that is made by the court.

## **Prohibited Steps Order**

This order can be made by the court to prevent a party from taking a particular step with regard to a child. For example, to prevent a child having his or her school changed, or raised within a particular religion.

## **Specific Issue Order**

A specific issue order is a one-off order made by the courts to resolve a particular disagreement regarding the child between people with parental responsibility. For example, whether or not a child is to have a certain operation, or where they are to go to school.

The above orders are known as 'Section 8 Orders' as they are governed by Section 8 of the Children Act 1989.

## **What will the court consider when making decisions on a child?**

Section 1 of the Children Act 1989 obliges a court, when making a decision on the upbringing of a child or the administration of that child's property, to hold the child's welfare as its primary consideration. This is known as the 'Welfare Principle'. In determining what is in the best interests of a child, the court will examine the following factors:

- 1) The ascertainable wishes and feelings of the child concerned. How much weight is given to this will depend on the age of the child. The court will not always allow the child's wishes to take precedence as it may feel that the child's wishes are not in his or her own best interests.
- 2) The child's physical, emotional, and education needs. In this, the court will look at the child's accommodation, school, and medical needs. It will not equate welfare with material advantage and one parent having more money than the other will not mean the child will live with the better off parent.

- 3) The likely effect on the child of any change in circumstances. It is generally felt that disruption to a child's life should be kept to a minimum, and if arrangements are working well for a child, it is unlikely that the court will change them. Because of this, whoever the child lives with – or is the child's sole or main carer - will be at a considerable advantage.
- 4) The child's age, sex, background, and any characteristics the court considers relevant. The age of the child may be taken in to account and it is likely that it will be considered best for a very young baby to live with their mother. However, as a child ages, their own wishes will be considered. Religion, culture, and gender will also be considered under this heading.
- 5) Any harm the child has suffered or is at risk of suffering. The court will look at any past abuse of the child and this will cover both physical and psychological injury. It will also consider if the child is likely to be in any danger in the future.
- 6) The capability of the parents. This involves the court assessing the parents (or other proposed carers) and their ability to care for the child. Criminal records will be relevant, as will the parent or carer's medical background and mental and physical health.
- 7) The range of powers available to the court. The court has the power to make any order in favour of any person and so this factor encourages the court to think of other possibilities – in the child's best interests – than the ones mentioned above. For example, the court may not give residence to the person who applied for it, but to another person altogether - if it feels this to be in the child's best interests.

### **Who can Apply for a 'Section 8 Order'?**

Parents, step-parents with parental responsibility, civil partners with parental responsibility, guardians or special guardians, or people with a residence order in their favour have the automatic right to apply for a section 8 order. Other people can apply but only with the permission of the court; these include grandparents, step-parents or civil partners who do not have parental responsibility, any person who has lived with the child for at least three years, or any person with the consent of all those with parental responsibility. A local authority (social

services) may also apply for these orders. It is also possible for the child to apply for an order, but again, the permission of the court is required.

To apply for a section 8 order, an applicant must fill in a form known as Form C100. This can be obtained from HM courts Service, or a legal advisor.

Public funding is available for section 8 matters; you should speak to a specialist family solicitor about this before deciding on any proceedings to take.

## Property and Financial Matters

### Income Orders

There are three main kinds of orders that can be made by a court when a couple divorce. These are Maintenance Pending Suit (MPS), periodical payments, and secured periodical payments. These will now be examined in more detail.

### Maintenance Pending Suit

Maintenance Pending Suit (MPS) refers to regular payments, made by one party to another, while divorce proceedings are on-going and until a longer term financial settlement is agreed. The lower earning party to the marriage can apply for MPS and the court will decide the issue in accordance with the rules in the Matrimonial Causes Act 1974 (see below). On full completion of the divorce process (*decree absolute*) MPS payments will end and, depending on the decisions of the court, new payments will begin, a lump sum will be paid between the parties, or another of the orders available to the court will be made.

### Periodical Payments

Periodical payments are regular payments – usually weekly or monthly – that are paid by one party to another following the dissolution of the marriage (*decree absolute*). These payments will end on the remarriage or death of the recipient, and may be reduced on the remarriage of the payer or if their financial situation changes. They will also end on the death of the payer. The length of time periodical payments last will depend upon the ability of the recipient to become financially independent.

## Secured Periodical Payments

Secured periodical payments are similar to periodical payments (above) but they do not end upon the death of the payer or if their financial circumstances change. The payments will be made 'secure' by being attached to an asset belonging to the payer (rather than the payer him/herself). For example, if the payer has income producing property (such as income from renting a house they own), the payments will be made from the income of this property.

## Capital Orders

There are four main orders involving capital which the court can make upon decree absolute. These are:

### Lump sum orders

A lump sum order is an order that one party pay to the other a single lump sum of money. This can however be paid in instalments. How much this payment will be will depend upon the court's assessment of the needs of the recipient, and the rules of the Matrimonial Causes Act 1974 (below).

### Property adjustment orders

An example of property adjustment order is for one party to be ordered to transfer the title to property (for example, the family home) from one party to another. It may also mean that the property is held on trust for the benefit of the other party. For example, a legal title – ownership – may not need to be transferred but the home may be held on trust for one party to live there, even without being its owner.

### Orders for sale

The court may order one party to sell an asset for the benefit of the other party. For example, it may order the sale of the family home. This can be done as a way of enforcing a lump sum order (above) if the payer does not have sufficient funds to make the lump sum payment.

## Pension sharing orders

These orders allow the court to split pension rights between the couple at the time of divorce. This can be done by ordering the transfer of a payment equal in value to the proportion of the pension entitlement, to a new pension fund for the benefit of the other party. In other words, by splitting one pension fund in to two new separate pension funds – one for each party.

## The Matrimonial Causes Act 1974 – What the Court will Consider

When the court decides what financial arrangements should be made on divorce, it will consider the factors outlined in section 25(2) of the Matrimonial Causes Act 1974. These are:

- 1) The income, earning capacity, property and other financial resources of the parties. Both parties' property will be taken in to account and due to the landmark case of *White v White*, the courts will begin from a position of splitting the couples combined assets in half, and then moving from that position according to need. The issue of earning capacity is most often assessed in regards to the wife, as she may not have been employed previously and therefore her earning capacity is lower. However, if the wife undertakes training or gains work experience, this earning capacity will increase; this will be taken in to account when the court assesses this factor.
- 2) The financial needs, obligations, and responsibilities of the parties. This will take in to account who the children will live with, as that party will of course need more money than the other. It will also take in to account such things as school fees, household bills, etc.
- 3) The standard of living enjoyed by the family prior to divorce. If a family has a lot of money during the marriage and enjoys a lifestyle which reflects this, one party will not be expected to live in poverty, or a less comfortable lifestyle, following divorce.
- 4) The age of the parties and the duration of the marriage. The age of the parties will be relevant in terms of needs (for example, medical needs if the parties are older) and earning potential – for example, if the wife is young and has time to study or train, her earning potential is increased.

- 5) Any physical or mental disability of the parties. The husband or wife may have physical needs which require financial expenditure – for example, mobility problems may mean a party needs to make alterations to their home.
- 6) The contributions which each of the parties has made or is likely to make in the near future. Here, it is important to note that if a wife stays at home to raise the children, this is given the same weight as going out to work and earning money.
- 7) The conduct of the parties. This relates to the conduct of the parties, particularly with regard to finances, during the marriage and the divorce proceedings. Serious misconduct in this regard may be taken in to account by the courts when deciding what financial orders to make.
- 8) Potential loss of benefits. This will aim to compensate a party for the loss of a benefit they would have had if not for the divorce. The loss of pension or insurance policy rights is an example of this.

## **If you were not married in the UK**

Whether or not you were married in the UK, it is likely that your marriage will be recognised under British law – however a polygamous marriage will not. UK courts have jurisdiction with regard to divorce and child custody if you and your husband/wife are permanent residents of the UK. Legal advice should always be sought on this before family proceedings begin.

## **Help from the Government**

Local authorities (your local council) are legally obliged to provide you with assistance in certain situations and circumstances. You are also likely to be entitled to financial support from the state. This will now be looked at in more detail.

- Local authorities must take reasonable steps, by providing help or services, to prevent children suffering ill-treatment or neglect. This can mean that if you are struggling to raise your children alone, the local authority may offer you some practical support.
- Local authorities may have to provide you with housing if you leave your marital home, especially if you leave because you are being subjected to abuse

or violence. Whether you are entitled to housing will depend on whether you are 'homeless' (in the legal sense), whether your homelessness was intentional, and whether you have priority need. To be deemed homeless in this context, there must be no reasonable accommodation that you are entitled to occupy or you have such accommodation but cannot enter it. You are intentionally homeless if you do something, or fail to do something, which results in you giving up a place of occupation. You will be judged to be in priority need if you have children, or your homelessness is a result of a natural disaster, or you are vulnerable due to age or disability, or have been in care.

- If you have children, you are entitled to payments of child benefit from the state. This is a weekly sum payable in respect of each child under the age of 16 (the law on this has recently been updated so please seek advice from your local authority or a Citizens' Advice Bureau).
- If you have a child or children under the age of 7, you are entitled to income support. To claim this benefit, you must not be in full-time employment (more than 16 hours per week), be habitually resident in Great Britain, and not have capital worth more than £16,000. (The law in this area changes frequently so it is wise to seek advice from your local authority or Citizens' Advice Bureau).

There are several other benefits that you may be entitled to claim. More information on these can be found here: <http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/index.htm> or you can telephone (free) 0800 882 200 for more advice.

## Child Support

Parents are obliged to provide financially for their children. The Child Support Act 1991 obliges the parent with whom the child(ren) do(es) not live to pay for their maintenance. This is administered by the Child Support Agency which calculates (using a mathematical formula) how much money a parent must pay for the children who do not live with them. Further information can be found on the Child Support Agency website here: <http://www.csa.gov.uk/> or you can telephone 08457 133 133 for advice and support.

## Marital Rape

If a husband forces his wife to have sex, he is guilty of rape. British law upholds the right of any woman to refuse sex to any man, regardless of her relationship with him. Marital rape carries the same punishment in criminal law as any other kind of rape. If you are being forced to have sex with your husband, whether or not violence is involved, you are entitled to report this to the police and they are obliged to investigate your allegations. Information on finding help and support if you have been raped is detailed below.

## Sharia Law

### What is Sharia Law and how does it Operate in the UK?

Sharia law is also known as Islamic law and is based on various sources including the Quran, the Hadith or Sunna (sayings and actions of the Prophet Mohammad), Islamic jurisprudence, and rulings (or fatwas) issued by scholars. There are Sharia courts in operation in Britain currently which hear cases and make decisions upon matters of family and criminal law – specifically child custody, divorce, domestic violence and marital rape. Sharia courts cannot legally make decisions in these areas and *you do not have to obey any of their rulings*.

There are two kinds of Sharia court in Britain; Sharia Councils operate as registered charities, and Muslim Arbitration Tribunals operate under the power of the Arbitration Act. Arbitration is what is known in law as alternative dispute resolution. It is used in some matters such as commercial disputes, or land law disputes, but does not have any legal remit in matters of criminal or family law. In matters where arbitration can be used, such as commercial or land law matters, both parties must give their consent to this and both should be involved in the appointment of the arbitrator. An arbitrator is a person, who usually has expert knowledge in a specific area, appointed to hear both sides of a case and then make a decision; this decision can then be registered with the civil courts and therefore become enforceable by them.

### How does Sharia Law Compare with British Law?

Sharia law is very different from British law, including when it comes to women's rights. Under Sharia law, a woman does not have the unilateral right to divorce and she can be refused divorce even if she is being beaten or raped. Also under Sharia, a woman's right to refuse sex to her husband is not recognised and there is no legal punishment for domestic violence.

In Sharia, a woman may lose the custody of her children if she insists on divorce as only fathers have automatic rights to their children. In the matter of inheritance, women inherit only half of the value of an estate as compared to men – under British law, men and women inherit in equal amounts. Under British law, a woman's testimony in court is given the same weight of the testimony of a man, whereas under Sharia, a woman's testimony is worth only half of a man's.

If you are being denied your rights to divorce, child custody, inheritance or your testimony is deemed to be worth less than your husband's, you can refuse to acknowledge the Sharia court and insist upon your rights under British law. If you are being forced by your husband, family, or community in to attending a Sharia court – either with threats of violence or otherwise – you should contact the police and/or see a solicitor. Details of how you can do this are listed below.

## Where can I find help?

The following publications and organisations will provide you with further information on your rights and or organisations or groups that can help you find support.

### *Citizens' Advice Bureaux*

[http://www.adviceguide.org.uk/index/contact\\_us.htm](http://www.adviceguide.org.uk/index/contact_us.htm)

[http://www.adviceguide.org.uk/index/your\\_rights/legal\\_system.htm](http://www.adviceguide.org.uk/index/your_rights/legal_system.htm)

### *Immigration Advisory Service*

3rd Floor

King Edward House

135a New Street

Birmingham B2 4QT

[ias@corkgully.com](mailto:ias@corkgully.com)

[www.iasuk.org](http://www.iasuk.org)

### *Iranian and Kurdish Women's Rights Organisation*

PO Box 65840

LONDON EC2P 2FS

Honour Network Helpline: 0800 5999 247

Domestic Violence Helpline: 0808 2000 247

07846 275246

(Kurdish/Arabic/Turkish)

07846 310157

(Farsi/Dari/Turkish)

07862 733511 (24hrs)

[www.ikwro.org.uk](http://www.ikwro.org.uk)

### *The Law Society*

<http://www.lawsociety.org.uk/contactus.law>

*National Centre for Domestic Violence*

Telephone: 0844 8044 999

Freephone: 08009 70 20 70

Minicom: 18001 08009 70 20 70

Fax: 0207 160 9383

Text: NCDV to 60777, they will call you back

[www.ncdv.org.uk](http://www.ncdv.org.uk)

*National Society for the Prevention of Cruelty to Children*

Weston House

42 Curtain Road

London EC2A 3NH

Freephone: 0808 800 5000

[Helpline@nspcc.org.uk](mailto:Helpline@nspcc.org.uk)

[www.nspcc.org.uk](http://www.nspcc.org.uk)

*One Law for All*

BM Box 2387

London WC1N 3XX, UK

Tel: +44 (0) 7719166731

[onelawforall@gmail.com](mailto:onelawforall@gmail.com)

[www.onelawforall.org.uk](http://www.onelawforall.org.uk)

*Rape Crisis*

Freephone 0808 802 9999

Rape Crisis (England & Wales)

BCM Box 4444

London

WC1N 3XX

[info@rapecrisis.org.uk](mailto:info@rapecrisis.org.uk)

[www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)

*Refuge*

Freephone 0808 2000 247  
4th Floor  
International House  
1 St Katharine's Way  
London E1W 1UN  
info@refuge.org.uk  
www.refuge.org.uk/

*Refugee Council*

240-250 Ferndale Road  
Brixton  
London SW9 8BB  
T 020 7346 6700  
F 020 7346 6701  
Freephone 0808 808 2255  
www.refugeecouncil.org.uk

*Resolution (Family Law Advice)*

PO Box 302  
Orpington  
Kent BR6 8QX  
Telephone 01689 820272  
info@resolution.org.uk  
www.resolution.org.uk

*Rights of Women*

52 – 54 Featherstone Street  
London  
EC1Y 8RT  
Legal advice line: 020 7251 6577  
Legal advice textphone: 0207 490 2562  
Sexual violence advice line: 0207 251 8887  
Sexual violence textphone: 0207 490 2562  
info@row.org.uk  
www.righstofwomen.org.uk

*Southall Black Sisters*

21 Avenue Road  
Southall UB1 3BL  
Telephone 020 8571 0800  
info@southallblacksisters.co.uk  
www.southallblacksisters.org.uk

*Women's Aid*

Freephone 0808 2000 247  
Women's Aid Federation of England  
PO BOX 391  
Bristol BS99 7WS  
helpline@womensaid.org.uk  
www.womensaid.org.uk

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