

Ms Judith Evers  
Civil Justice and Legal Services Division  
Access to Justice Policy Directorate  
4<sup>th</sup> Floor, Zone B  
102 Petty France  
London SW1H 9AJ

August 5<sup>th</sup> 2011

Dear Ms Evers,

Thank you for your letter of May 24<sup>th</sup> 2011.

In your letter you state “Sharia councils help the Muslim community resolve civil and family dispute by making recommendations with which they hope parties will comply”. It is in fact known that the Islamic Sharia Council operates a ‘legal’ system in which they hear cases of criminal law such as domestic violence and rape. Indeed, the councils openly admit to carrying out these activities and they do so within a context where a woman’s testimony is worth half of a man’s, marital rape is deemed “impossible” and violence against women is permissible provided it does not leave any marks. These councils operate as registered charities – I wonder if you could clarify under which legislation registered charities are permitted to carry out such activities.

You go on to state that “they are not part of the court system in this country and they have no means of enforcing their decisions”. This is not true in the case of the Muslim Arbitration Tribunal, which operates under powers of the Arbitration Act 1996. Under this Act, decisions made in tribunals can be enforced by civil courts, and therefore do form part of our wider legal system. I should point out that the Muslim Arbitration Tribunal also hears matters of criminal law and is entirely discriminatory to women. Indeed, the Muslim Arbitration Tribunal has called for total jurisdiction over domestic violence in an attempt to deny women the choice that is so often put forward as justification for these bodies.

In your letter, you also state “The Government does not prevent individuals from seeking to regulate their lives through religious beliefs or cultural traditions”. However, I am seeking clarification on whether there is any limit to this, and where that limit lies. For example, if permissible domestic violence is deemed to be a “cultural tradition”, does this take precedence over our anti-violence laws? In other words, is religious freedom and cultural tradition subject to the law of England and Wales? Could you please clarify the position on this? If it is the case that the law of England and Wales supersedes “cultural tradition” can you please explain why it is that the Government allows such councils and tribunals to operate in a way which expose women to further violence.

You made it clear in your letter that regardless of religious belief, we are all equal before the law. Can you then explain why it is that the Government allows a system of arbitration to operate (within the Arbitration Act) which fundamentally discriminates against women, and has been described by the House of Lords as “wholly incompatible” with human rights for this reason.

I look forward to your response.

Sincerely

A handwritten signature in black ink, appearing to read 'Anne Marie Waters', with a long horizontal flourish extending to the right.

Anne Marie Waters  
One Law for All Spokesperson