



A DECADE ON: STILL NOT EQUAL. STILL NOT FREE.

Our eleven-year campaign to enshrine the marital rights of Muslim women.

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"We cannot continue with the present situation in which so many women are suffering in ways that would make the heroines of the suffragette movement turn in their graves."

-Baroness Cox, Founder and Director of Equal and Free

Summary

Equal and Free's focus - and why it matters

Equal and Free is a not-for-profit organisation that seeks to champion the rights of British Muslim women who do not (yet) have the protection of legal marriage in conjunction with a Sharia Law marriage.

Women who have been married in religious Islamic ceremonies, but not also registered under English law, are legally unprotected when it comes to civil rights including financial, property, and childcare rights. They therefore face grave disadvantages in the event of a religious divorce – which can be imposed by their husband simply saying 'I divorce you' three times¹ - including abandonment, destitution or abuse.

This is not an insignificant issue. In 2017 a Channel 4 survey found that 60% of Muslim women who have had traditional Islamic weddings in Britain are not legally married. Of these, 28% are unaware of the fact that they do not have the same legal rights as someone with a civilly-registered marriage.² As the Law Commission commented in 2015, "it is telling that only 200 legal marriages in Muslim places of worship were recorded in 2010, against a background population of 2,706,066 Muslims in the 2011 census. This of course does not include those Muslim couples who had a civil ceremony before, after, or instead of an Islamic ceremony. But even if there are fewer unregistered marriages than supposed, it is still a serious issue."³ These numbers, according to Roxana Rais of the Muslim Women's Advisory Council, have grown since the 2017 survey and will continue to grow until marriage law is reformed.⁴

Equal and Free's Founder, The Baroness Cox of Queensbury, has therefore introduced ten Private Member's Bills into the House of Lords on behalf of the organisation in the last eleven years - the most recent of these being The Marriage Act 1949 (Amendment) Bill's first reading on 19 July 2022 - continuously working to try to protect some of this country's most marginalised, excluded and discriminated-against women.

¹ Khalid, S. (2017). *What is 'triple talaq' or instant divorce?* Al Jazeera.

<https://www.aljazeera.com/features/2017/8/22/what-is-triple-talaq-or-instant-divorce>

² Channel 4. (2017). *New Channel 4 survey reveals The Truth About Muslim Marriage*. [News Release]. [New Channel 4 survey reveals The Truth About Muslim Marriage | Channel 4](#)

³ Law Commission. (2015). *Getting Married: A Scoping Paper*. London. [Microsoft Word - marriage_scoping_Dec2015_cover.doc \(lawcom.gov.uk\)](#)

⁴ Stourton, E., (2021, 12 December), *Sunday*, [Radio Broadcast], BBC. <https://www.bbc.co.uk/sounds/play/m0012fhk>

Case studies

Behind the facts and figures are real people with heart-breaking experiences. Conversations with many survivors such as Roma and Sania, (whose names have been changed for safeguarding purposes) continue to haunt us long after their testimonies have been shared. Meeting such courageous women continues to spur on the efforts of Equal and Free, and we will renew our endeavours with each new session until the UK Government commits to bringing an end to more stories like theirs.

Sania

When Sania applied for religious divorce, the Sharia Council disregarded British court orders which had already been put in place to protect her and her children from a violent husband. Instead, the Sharia Council arranged a mediation session for the couple and opposed Sania's refusal to attend the meeting. The Council heard her husband's testimony without requiring proof, but insisted that Sania have two Muslim witnesses to confirm her testimony because it is Sharia Law practice to require a woman to bring two witnesses, as her testimony is regarded as less valid than that of a man. It has taken Sania over two years to obtain a religious divorce.⁵ British women should not be forced into using a system that endangers their lives and expressly ignores court orders.

“British women should not be forced into using a system that endangers their lives and expressly ignores court orders.”

- Bethany Oliver-Dee

Roma

Roma's husband also abused her, having only married her to obtain a Leave to Remain visa. If a Muslim man repeats 'Talaq' three times, he has divorced his wife and owes her nothing – a threat which Roma's husband used to control her. After over two years of marriage, Roma refused to support her husband's visa application interview and was handed a piece of paper that read 'talaq, talaq, talaq.' She was left with nothing. Roma said: "I felt that plain piece of paper was a mockery of my human rights," and asked: "If I, a British born and strong-minded person, can be controlled by such means, how many other women are suffering even more?"⁶

The Government claim that there is no need for a change in the law because all citizens can access their rights according to law. Yet the chasm between the *de jure* situation and the *de facto* reality is an abyss into which countless Muslim women are falling and suffering. In their 2014 report: 'Equal and Free? 50 Muslim Women's Experiences of Marriage in Britain Today,' the Muslim women's group *Aurat: Supporting Women* found that of 46 women in the West Midlands who identified as being married, only 5 were in legally recognised marriages. Of the 41 in legally unrecognised marriages, 23 were not aware of their diminished rights before the law.⁷ We must enact legal reform so that the most difficult aspects of Roma's and Sania's realities are not permitted to continue repeating themselves in the lives of British Muslim women.

⁵ Equal and Free. (last edited 2019) *Case Study: Sania's story*. [Sania's Story: 'They refused to accept I was in fear of my life' | Equal and Free?](#)

⁶ Equal and Free. (last edited 2019) *Case Study: Roma's story*. [Roma's story: '...written briefly on a plain piece of paper was "I divorce you" three times' | Equal and Free?](#)

⁷ Jaan, H.; Aurat: Supporting Women. (2014). *Equal and Free? 50 Muslim Women's Experiences of Marriage in Britain Today*. <https://www.secularism.org.uk/uploads/aurat-report-dec2014.pdf>

Current progress

The Bill

The Marriage Act 1949 (Amendment) Bill aims to protect such vulnerable women by introducing an amendment into Section 75 of the Marriage Act 1949 which seeks to create an offence of purporting to solemnise a marriage that has not been, and will not be, legally registered. Essentially, the amendment would legally require all couples taking part in a religious marriage to civilly register their union before or during the religious ceremony.

“The chasm between the de jure situation and the de facto reality is an abyss into which countless women are falling and suffering.”

- Baroness Cox

The Private Members’ Bill was introduced in 2017 to replace the different versions of the Arbitration and Mediation Services (Equality) Bill, narrowing the focus of the legislative change sought, and taking its inspiration directly from recommendation one of The Independent Review into the Application of Sharia Law in England and Wales.⁸

Support for the cause

This legislative reform proposed by Baroness Cox on behalf of Equal and Free is not only built on the research and recommendations of The Independent Review into the Application of Sharia Law in England and Wales⁹ and the Casey Review,¹⁰ but also Resolution 2253 of the Parliamentary Assembly of the Council of Europe,¹¹ and the proposals of the Law Commission’s Weddings project, published 19 July 2022.¹²

The injustices that this reform aims to address have also been raised by numerous groups including Karma Nirvana, the Muslim Women’s Advisory Council, the Council for Muslims Facing Tomorrow, BASIRA (British Arabs Supporting Universal Women’s Rights), Aurat: Supporting Women, Civitas, and Register Our Marriage.

Even His Excellency the Grand Mufti of Egypt has called for the registration of religious-only marriages, and notes the abuses perpetrated against many women as a result of their legally unprotected union. In his own words:

⁸ Recommendation 1: Legislative changes; The Independent Review into the Application of Sharia Law in England and Wales; 2018; p.17-18.

⁹ “By linking Islamic marriage to civil marriage it ensures that a greater number of women will have the full protection afforded to them in family law and they will face less discriminatory practices. This will be a positive move aimed at giving women maximum rights should the marriage end in divorce.” - Independent Review into the Application of Sharia Law in England and Wales, February 2018, p.17

¹⁰ “All marriages, regardless of faith, should be registered so that the union is legally valid under British laws. We have heard strong arguments that the Marriage Act should be reformed to apply to all faiths and that faith institutions must ensure they are properly registered and operate within existing legislation.” - The Casey Review, Paragraph 8.50, December 2016

¹¹ “[We call on the UK to] review the Marriage Act to make it a legal requirement for Muslim couples to civilly register their marriage before or at the same time as their Islamic ceremony.” - Parliamentary Assembly of the Council of Europe, Resolution 2253, January 2019

¹² “[Our provisional scheme] Allows all couples and religious groups (and, if enabled to conduct weddings, non-religious belief groups) to choose the form their wedding ceremonies will take, enabling the law to recognise the variety of ceremonies that people use to mark their weddings, including religious ceremonies.” Getting Married: A Summary of the Weddings Law Consultation Paper, 2020, p.5

“...we believe that officiating and registering Islamic marriage has become a necessity these days to safeguard the rights of spouses specially women as well as children. We are noticing countless cases of abandoned wives and children. We consider taking disciplinary measures to protect the abandoned wives as a necessary step.”¹³

Support for legislative change has also come from within the Houses of Parliament. Cross-party support from both Members of Parliament and Members of the House of Lords are best illustrated in letters to the Law Commission (with over 30 signatures), then-Secretary of State for Justice Rt Hon David Gauke MP (with over 20 signatures), and The Sunday Telegraph (with almost 50 signatures).¹⁴

At the Second Reading for Baroness Cox’s previous Private Members’ Bill - the Arbitration and Mediation Services (Equality) Bill, which had particular relevancy for Muslim women adversely affected by the policies of Sharia Councils when accessing religious divorce - in 2012, supportive speeches were made from across the House. Baroness Donaghy remarked that “as long as some women live in fear and are trapped in their situation, we should act...Turning a blind eye to fear and exploitation is not adequate,”¹⁵ and Baroness O’Loan declared that “Where we identify serious gaps – and the noble Baroness has identified a very serious

*“It is not enough to say
that we recognise the
problem and sympathise
with survivors.
Sympathies must be
followed by action.”*

- Bethany Oliver-Dee

gap today – then it is incumbent on us to address them as best we can.”¹⁶ These sentiments are echoed in 2015, when the Arbitration and Mediation Services (Equality) Bill once again reached a second reading debate. Lord Dholakia pointed out that “too often, women are victims because formal or informal arrangements to resolve disputes are made by men,” and argued that “it is time to rebalance this anomaly.”¹⁷ Indeed, though Lord Sheikh did not lend support to this Bill, he stated that “ideally, I would like to see imams performing a nikah only after a civil wedding has taken place. We should perhaps look at the possibility of amending the Marriage Act 1949 to address this issue.”¹⁸ This is precisely what Equal and Free is now doing through the Marriage Act 1949 (Amendment) Bill.

While it is encouraging that a collective consciousness of the reality of discriminatory practices taking place in the United Kingdom has steadily developed with each report and each publicised statement on the matter, we must now see legislative Parliamentary action. It is not enough to say that we recognise the problem, sympathise with survivors, and commend the work of organisations such as Equal and Free and those listed above. These sympathies, though important, must be followed by actions that contribute towards turning this proposed amendment into a reality.

¹³ See appendix IV

¹⁴ See appendices I, II, and III.

¹⁵ Hansard HL Deb *Arbitration and Mediation Services (Equality) Bill [HL]*. Col 1688 (19 Oct 2012). [Electronic version]. [Lords Hansard text for 19 Oct 2012 19 Oct 2012 \(pt 0001\) \(parliament.uk\)](#)

¹⁶ Hansard HL Deb *Arbitration and Mediation Services (Equality) Bill [HL]*. Col 1691 (19 Oct 2012). [Electronic version]. [Lords Hansard text for 19 Oct 2012 19 Oct 2012 \(pt 0001\) \(parliament.uk\)](#)

¹⁷ Hansard HL Deb *Arbitration and Mediation Services (Equality) Bill [HL]*. Col 883 (23 Oct 2015). [Electronic version]. [Lords Hansard text for 23 Oct 2015 \(pt 0001\) \(parliament.uk\)](#)

¹⁸ Hansard HL Deb *Arbitration and Mediation Services (Equality) Bill [HL]*. Col 892 (23 Oct 2015). [Electronic version]. [Lords Hansard text for 23 Oct 2015 \(pt 0001\) \(parliament.uk\)](#)

Timeline of Private Member's Bills

An overview of Private Member's Bills relating to Religious-only Marriage introduced by Baroness Cox

Baroness Cox has introduced Private Member's Bills which made provisions for the legal protection of Muslim women in religious-only marriages ten times in the last 10 years, narrowing the legislative focus over time and continually enshrining the rights of Muslim women.

7 June 2011 – The Arbitration and Mediation Services (Equality) Bill - introduced into the House of Lords for the first time

10 May 2012 – The Arbitration and Mediation Services (Equality) Bill is reintroduced into the House of Lords

19 October 2012 – Second Reading of the Arbitration and Mediation Services (Equality) Bill

14 May 2013 - Reintroduction of the Arbitration and Mediation Services (Equality) Bill into the House of Lords

11 June 2014 - The Arbitration and Mediation Services (Equality) Bill is reintroduced into the House of Lords

1 June 2015 – Reintroduction of the Arbitration and Mediation Services (Equality) Bill into the House of Lords

23 October 2015 – Second Reading: The Bill received strong cross-party support, but the Government refused to support it on the grounds that there is no need for its provisions

11 December 2015 – Order of Commitment Discharged

19 January 2016 – Passes its Third Reading in the House of Lords

11 February 2016 – The Arbitration and Mediation Services (Equality) Bill's First Reading in the House of Commons

11 March 2016 – Due for its Second Reading in the House of Commons, but a busy Parliamentary schedule prevented it from being discussed

13 March 2016 – Almost 50 MPs and Peers call on the Government to support Baroness Cox's Bill

25 May 2016 – The Arbitration and Mediation Services (Equality) Bill reintroduced into the House of Lords

27 January 2017 – Arbitration and Mediation Services (Equality) Bill's Second Reading in the House of Lords

10 July 2017 – Baroness Cox introduces a new Private Members' Bill – the Marriage Act 1949 (Amendment) Bill

3 February 2020 - The Marriage Act 1949 (Amendment) Bill is reintroduced

30 June 2021 – The Marriage Act 1949 (Amendment) Bill is reintroduced

19 July 2022 – The Marriage Act 1949 (Amendment) Bill is reintroduced into the House of Lords

Government response

As this timeline illustrates, over a decade has passed since the issue was first discussed in Parliament and we have seen no sign of significant progress. There has been little evidence in these ten years to suggest that promises by the Government to “continue the exploration of reform” will not be used to postpone viable legislation or to kick these issues into the long grass.

One of the clearest illustrations of this can be observed in Government responses to four near-identical Questions for Written Answer put forward by Baroness Cox at regular intervals in the last four years. In HL5231¹⁹, HL15092,²⁰ HL3013,²¹ and HL23,²² the Government is asked for an update on its commitment in the Integrated Communities Strategy Green Paper to “explore the legal and practical challenges of limited reform relating to the law on marriage and religious weddings.”²³ These questions have received an equally near-identical set of responses: It is consistently claimed that reform is being explored, that (prior to its publication in July 2022) the Law Commission report is being waited for, and that any proposals “will be thoroughly assessed for their fairness.”²⁴ The only notable change being the language shift from explorations of “limited reform”²⁵ to considerations of “more comprehensive and enduring reform”²⁶ which, while positive in the sense that it suggests a recognition of the need for more than limited reform, is nowhere close to the progress necessary for combatting this issue within a reasonable timeframe.

Moreover, since publishing their recommendations for a radical overhaul of the current buildings-based model of weddings law in favour of an officiant-based system, the Law Commission have not yet received a public Government response, let alone a commitment to implement such extensive transformation.

We must ask this Government: How many years does it take to explore the challenges of reform? Equally, how many years does it take to assess the fairness of a piece of legislative change?

The Government’s response to date (or lack thereof) is, at best, demonstrative of their failure to keep pace with social changes and cultural-religious practices. At worst, it exposes an unwillingness to

¹⁹ Cox, C. HL5231. (tabled 10 January 2022) [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

²⁰ Cox, C. HL15092. (tabled 20 April 2021) [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

²¹ Cox, C. HL3013. (tabled 22 April 2020) [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

²² Cox, C. HL23. (tabled 19 December 2019) [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

²³ HM Government, (2018). *Integrated Communities Strategy Green Paper*, Ch.7: Rights and Freedoms. p.58 [Integrated Communities Strategy Green Paper - March 2018 \(publishing.service.gov.uk\)](#)

²⁴ Wolfson, D. HL5231. (answered 24 January 2022) [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

²⁵ Keen, R. HL23. (answered 7 January 2020) [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

²⁶ Wolfson, D. HL5231. (answered 24 January 2022) [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

enshrine the legal marriage rights of over 1.3 million Muslim women in England, Wales, and Scotland.²⁷²⁸

What now?

These sentiments are echoed by specialist advisor for the Law Commission's Weddings Project, Professor Robert, who states that "the current law is too limited and restrictive for the pluralistic needs of contemporary society. Reform is needed to reflect the diversity of beliefs and practices. The demographic profile of England and Wales has changed significantly in recent decades but the law governing weddings has largely failed to address or accommodate these changes."²⁹ The Government continues to report that they are waiting to receive the recommendations of the Law Commission's Weddings project and the conclusions of the Nuffield Foundation's *When is a Wedding Not a Marriage?* report before they "consider the case for...reform."³⁰

The Nuffield Foundation Final Report has since been published in March 2022, and while Equal and Free's response to the report will be issued separately, it notably calls Weddings Law reform "important," "achievable," and "long overdue"³¹ – and as yet has not received a government response.

As the Government continued to wait for the Law Commission's recommendations, Equal and free carried on its grassroots work, not only supporting survivors in their suffering, but also welcoming the input of these survivors as a helpful guide for the direction and priorities of our work. We continue to work with other widely respected and important organisations, including partnering with Karma Nirvana to perform secretarial duties for the All Party Parliamentary Group (APPG) on Honour-Based Abuse. Awareness-raising work is at the forefront of our efforts, using social media to increase public outreach. Additionally, we will be renewing our pressure on this Government for legal reform through Questions for Written Answer - including a written question asking for this Government's response to the Nuffield Foundation's Final Report³² -, Baroness Cox's contributions to Oral debates – such as her

“It is time for this Government to stop hiding behind the empty promise of exploring reform and prove their support for the principle of equality before the law.”

- Bethany Oliver-Dee

²⁷ Office for National Statistics. (2011) *LC2107EW - Religion by sex by age*

https://www.nomisweb.co.uk/census/2011/LC2107EW/view/2092957703?rows=c_relpuk11&cols=c_sex

²⁸ Dr Elshayyal, K. (2011) *Scottish Muslims in Numbers: Understanding Scotland's Muslim Population Through the 2011 Census*. The University of Edinburgh.

https://www.ed.ac.uk/files/atoms/files/scottish_muslims_in_numbers_web.pdf

²⁹ Nuffield Foundation. (2022) *Laws governing weddings are outdated and too restrictive in contemporary society*. <https://www.nuffieldfoundation.org/news/laws-governing-weddings-are-outdated>

³⁰ Wolfson, D. HL5231. (answered 24 January 2022) [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

³¹ Prof. Probert, R.; Dr Akhtar, R.; Blake, S. (2022) *Final Report: When is a wedding not a marriage? Exploring non-legally binding ceremonies*. Nuffield Foundation. p.138 [Microsoft Word - When is a Wedding not a Marriage? Final Report.docx \(nuffieldfoundation.org\)](#)

³² Prof. Probert, R.; Dr Akhtar, R.; Blake, S. (2022) *Final Report: When is a wedding not a marriage? Exploring non-legally binding ceremonies*. Nuffield Foundation. [Microsoft Word - When is a Wedding not a Marriage? Final Report.docx \(nuffieldfoundation.org\)](#)

28 June 2021 Oral Question on Marriage and Religious Weddings -,³³ and the reintroduction of the Marriage Act 1949 (Amendment) Bill in 2022.

After a decade of campaigning for British Muslim women's access to the legal rights due to them, Equal and Free have seen an encouraging increase in awareness and discussion on the issue of religious-only marriage in the public domain – receiving journalistic scrutiny and increased attention in the charitable sector. However, in this same decade, while consecutive debates in the House of Lords have sought to expose these often deeply humiliating, and totally unacceptable cases of gender discrimination, the Government has so-far failed to provide an adequate response. Countless British women are still not equal, free, or protected by the law, suffering in ways which would make the suffragettes turn in their graves. It is time for this Government to stop hiding behind the empty promise of exploring reform, and to prove their effective legal support for the principle of equality before the law.

Bethany Oliver-Dee

Primary Researcher for the Marriage Act 1949 (Amendment) Bill, oliverdeeb@parliament.uk.

For further information and updates on the work of Equal and Free, please visit <http://equalandfree.org/>, or you can follow us on Facebook @EqualandFree or LinkedIn: <https://www.linkedin.com/company/equal-and-free>

³³*Hansard* HL Deb Vol 813. (28 June 2021) *Marriage and Religious Weddings*
<https://hansard.parliament.uk/Lords/2021-06-28/debates/FC4BC1DD-43EF-44DE-AC2D-FA97E2B09A10/details#contribution-82457915-7E05-4D4E-81C9-3E36AE5C1805>

Appendices

Appendix I: Letter to the Law Commission Weddings Team



Weddings Team
Law Commission
1st Floor
52 Queen Anne's Gate
London SW1H 9AG

weddings@lawcommission.gov.uk

18 December 2020

Re. Weddings Law Consultation

We remain deeply concerned by the plight of many women in sharia-compliant marriages, who have had a religious wedding ceremony but without legal consequences. These women often only discover their lack of official marital status when their relationship breaks down. They have no legal rights against their 'husband' and have no option of obtaining a civil divorce.

Their suffering is sometimes compounded by barriers from within their own communities. According to the independent review into the application of sharia law in England and Wales, 'some sharia councils are deemed to be discriminating against women who use their services on matters of marriage and divorce.' However, this is not merely a 'social issue', as the Government claim. It is also a legal issue that requires an urgent legislative response. We therefore welcome the Law Commission's proposals to modernise and improve wedding law, to eliminate statutory anomalies and – we hope – ensure greater protections for Muslim women.

Protracted process

We acknowledge that the Marriage Act 1949 is a complex maze of different rules for different types of ceremonies. We also recognise the limits of the Law Commission as a recommendatory body. However, almost a decade has passed since this issue was first discussed in Parliament – long before any delays caused by the COVID-19 pandemic – and we have seen no sign of any significant progress.

The Law Commission has, after numerous setbacks, launched a public consultation on

‘provisional proposals’ to reform the law, following the Government’s commitment in March 2018 to ‘explore the legal and practical challenges of limited reform.’ Such vague commitments, while broadly welcomed, do not inspire confidence. We have seen little evidence in ten years to suggest that promises to ‘continue the exploration of reform’ will not be used to postpone viable legislation or to kick these issues into the long grass.

In your analysis of consultation responses and final scoping report, we urge you to stress the urgency of the situation facing Muslim women who do not have the protection of legal marriage. The Government’s response to date (or lack thereof) is, at best, demonstrative of their failure to keep pace with social changes and cultural-religious practices. At worst, it exposes an unwillingness to protect one of this country’s most marginalised, excluded and discriminated-against groups.

Provisional proposals

Notwithstanding these concerns, we agree that the law needs updating.

- The core provisions of marriage law, which date back to 1836, have been developed incrementally and confusingly over centuries. The Marriage Act 1949 as it relates to Muslim weddings compared to others religious weddings (Anglican, Jewish and Quaker) is complex and inconsistent. Yet Government ministers tell us that the current law is almost impossible to amend without
- causing a raft of unintended consequences. We therefore endorse the Law
- Commission’s spirit of certainty and simplicity.
- Paragraphs 10.171-10.179 summarise our main concern: that difficulties arise where a religious rite takes place first (in an unregistered mosque, private home or elsewhere) and is not followed by a legally-binding ceremony. We support in principle the Law Commission’s proposals to make it easier to have a religious wedding that is also a legally-binding wedding, such as the proposals to remove the necessity for religious groups to incorporate prescribed words and to reduce the red tape around wedding venues.
- The consultation document does not pay enough attention to the problems associated with polygamous religious marriages which, according to the Casey Review, are ‘more commonplace than might be expected’ and ‘impact negatively on women (and their children)’. Such multiple marriages have no more legal status than other extra martial relationships – there is nothing illegal about having a wife and a girlfriend. However, serious concerns remain over the lack of protection for those who may be misled as to the legal status of these ‘marriages’. All parties should be fully and provably aware of their situation. There may even be a case for expanding the offence of bigamy to catch both formal and informal polygamous marriages, as well those who conduct them.
- Couples should nevertheless be free to ‘marry’ purely in a religious sense, provided their decision is based on an informed choice to opt out of legal protection. If couples desire a religious-only marriage, which is not recognised as a matter of law, it is essential that they are made aware of the consequences that flow from it, including deprivation of the protections of family law and a lack of entitlement to financial support upon the breakdown of the relationship.

- We agree there should be consequences for misleading a couple as to the effect of a ceremony. The suggested criminal offence in paragraph 10.170 is welldefined, although a more targeted offence may be necessary to deter against malpractice and to clarify – beyond doubt – how vulnerable women entering a religious-only marriage will be protected from ignorance or deception.

We hope your final report will promote a meaningful and rapid response from the Government, including the introduction of legislation to simplify weddings law and to address the suffering endured by so many Muslim women.

Yours sincerely,

Baroness Cox (Crossbench)
 Lord Carlile of Berriew (Crossbench)
 Pauline Latham MP (Conservative)
 Lord Dholakia (Liberal Democrat)
 Baroness Lister of Burtsett (Labour)
 Lord Desai (Non-affiliated)
 Lord Alton of Liverpool (Crossbench)
 Baroness Massey of Darwen (Labour)
 Lord Mackay of Clashfern
 (Conservative)
 Lord West of Spithead (Labour)
 Heather Wheeler MP (Conservative)
 Viscount Bridgeman (Conservative)
 Baroness Eaton (Conservative)
 Lord Field of Birkenhead (Crossbench)
 Lord Vinson (Conservative)
 Sir Edward Leigh MP (Conservative)

Lord Singh of Wimbledon (Crossbench)
 Sir Charles Walker MP (Conservative)
 Baroness Fookes (Conservative)
 Baroness Finlay of Llandaff
 (Crossbench)
 Craig Whittaker MP (Conservative)
 Lord Kalms (Non-affiliated)
 Lord Green of Deddington (Crossbench)
 Philip Davies MP (Conservative)
 Sir David Amess MP (Conservative)
 Lord Swinfen (Conservative)
 Lord Tebbit (Conservative)
 Lord Carey of Clifton (Crossbench)
 Jim Shannon MP (DUP)
 Andrew Rosindell MP (Conservative)
 Lord Rowe-Beddoe (Crossbench)
 Lord Warner (Crossbench)

Appendix II: Letter to David Gauke, former MP and Secretary of State for Justice



Rt Hon David Gauke MP
Lord Chancellor and Secretary of State for Justice
House of Commons
London SW1A 0AA

28 January 2019

Dear Secretary of State,

We remain deeply concerned about the plight of many Muslim women in this country who are not officially married under English law. They can suffer grave disadvantages because they lack legal protection. What is more, they are often unaware that their religious-only marriage is not legally recognised.

Many of these women experience inequality in relation to: polygamy (practiced by men with multiple ‘wives’ and numerous children); access to divorce (for men often so easy it is effectively free and unconditional; women may have to pay a fee to receive help from a Sharia council); discriminatory child custody and inheritance policies.

Last week, the Parliamentary Assembly of the Council of Europe passed a resolution which urged the UK to ensure that civil marriages are conducted before or at the same time as religious ceremonies.

The Assembly’s resolution reflects the provisions of Baroness Cox’s Private Members’ Bill, the Marriage Act 1949 (Amendment) Bill, which is currently before Parliament. It also reflects recommendations within the 2016 Casey Review and the 2018 Independent Review into the Application of Sharia Law, both of which were commissioned by your colleagues in Government.

We are encouraged by the Ministry of Justice’s commitment to “explore the legal and practical challenges of limited reform” in this area. However, given that the problems are escalating, the need to find a solution has become an urgent priority.

We are therefore writing to convey our concern and our hope that the Government will act now to comply with the recommendations of the Council of Europe, relevant aspects of the Casey and Sharia Law reviews, and the provisions of Baroness Cox’s Bill.

Yours sincerely,

Baroness Cox (Crossbench)

Philip Davies MP (Conservative)

Sarah Champion MP (Labour)
Lord Dholakia (Liberal Democrat)
Jim Shannon MP (DUP)
Lord Desai (Labour)
Lord Singh of Wimbledon (Crossbench)
Fiona Bruce MP (Conservative)
Lord Tebbit (Conservative)
Lord Alton of Liverpool (Crossbench)
Baroness Eaton (Conservative)
Baroness Deech (Crossbench)

Baroness Lister of Burtersett (Labour)
Lord Rowe-Beddoe (Crossbench)
Lord Swinfen (Conservative)
Lord Carey of Clifton (Crossbench)
Baroness Corston (Labour)
Lord Vinson (Conservative)
Lord Green of Deddington (Crossbench)
David T C Davies MP (Conservative)
Viscount Bridgeman (Conservative)

The Sunday Telegraph

13 March 2016

Oppressed women

SIR – The principle of equality before the law is a central pillar of our democracy. Yet many women in Britain are not experiencing the legal rights to which they are entitled.

There are particular concerns about the suffering of some Muslim women who are oppressed by religiously sanctioned gender discrimination – especially in relation to polygamy, divorce, inheritance provisions and domestic violence.

Their suffering is an affront to our hard-fought freedoms. While the forthcoming inquiry into the operation of sharia courts might be an important first step, it is clear that much more needs to be done. We urge the Government to adopt the provisions of Baroness Cox's Arbitration and Mediation Services (Equality) Bill, which recently passed all stages in the House of Lords without amendment.

The Bill cannot solve all of the complex and sensitive issues involved, but it does insist that the rights of all women, and the rule of law, are upheld.

Baroness Cox of Queensbury (Crossbench)
 Fiona Bruce MP (Con)
 Jim Fitzpatrick MP (Lab)
 Ruth Cadbury MP (Lab)
 John Pugh MP (Lib Dem)
 Lord Carlile of Berriew (Lib Dem)
 Lord Mackay of Clashfern (Con)
 Lord Dholakia (Lib Dem)
 Baroness Deech (Crossbench)
 Lord Singh of Wimbledon (Crossbench)
 Frank Field MP (Lab)
 Andrew Mitchell MP (Con)
 Lord West of Spithead (Lab)
 Baroness Buscombe (Con)
 Jim Shannon MP (DUP)
 Charles Walker MP (Con)
 Philip Davies MP (Con)
 Lord Stoddart of Swindon (ILP)
 Lord Tebbit (Con)
 Sir David Amess MP (Con)
 Philip Hollobone MP (Con)
 Heather Wheeler MP (Con)

Lord Maclennan of Rogart (Lib Dem)
 Baroness Lister of Burtersett (Lab)
 Lord Swinfen (Con)
 Stewart Jackson MP (Con)
 Lord Green of Deddington (Crossbench)
 Sir Edward Leigh MP (Con)
 Baroness Massey of Darwen (Lab)
 Andrew Rosindell MP (Con)
 Baroness Cumberlege (Con)
 Lord Cormack (Con)
 Lord Harrison (Lab)
 Lord Vinson (Con)
 Baroness Howarth of Breckland (Crossbench)
 Baroness Blackstone (Lab)
 Graham Allen MP (Lab)
 Lord Kalms
 Baroness Eaton (Con)
 Baroness Falkner of Margravine (Lib Dem)
 David T C Davies MP (Con)
 Sir William Cash MP (Con)
 Lord Warner (Lab)
 Baroness Kinnock of Holyhead (Lab)

Lord Taverne (Lib Dem)
Lord Anderson of Swansea (Lab)
Baroness Flather (Crossbench)
Lord Blencathra (Con)

Appendix IV: Letter to Dominic Raab MP, Secretary of State for Justice



The Rt Hon Dominic Raab MP
Secretary of State for Justice
House of Commons

14 October 2021

Dear Dominic,

Re. Sharia-compliant marriages

I was in correspondence with your predecessor, Robert Buckland, about the plight of women in Sharia-compliant marriages who have had a religious wedding ceremony but without legal consequences. These women often only discover their lack of official marital status when their marriage breaks down. They have no legal rights against their 'husband' and have no option of obtaining a civil divorce.

As many as 100,000 Muslim women in Britain are estimated to be living in these unregistered marriages.

You will be aware that I have campaigned on this issue for many years, introducing nine Private Members' Bills since 2011. Many women come to me desperate, destitute and even suicidal, having suffered asymmetrical divorce inflicted by their husbands causing many problems including overnight homelessness, financial struggles and community ostracisation. Others remain entrapped in marital captivity unable to divorce, including in unhappy polygamous marriages.

Numerous groups – the Muslim Women's Advisory Council, Equal and Free, Karma Nirvana, Register our Marriage, the Council for Muslims Facing Tomorrow, Civitas, British Arabs Supporting Universal Women's Rights, Aurat Supporting Women – have raised the same concerns. You will also be aware of recommendations of the Casey Review, the Sharia Law Review, Resolution 2253 of the Parliamentary Assembly of the Council of Europe, the recent Law Commission consultation and Nuffield Foundation study.

Yet we have seen little evidence in ten years to suggest that promises by the Ministry of Justice to 'continue the exploration of reform' will not be used to postpone viable legislation.

This week, I received the following statement in private correspondence from the Grand Mufti of Egypt:

“...we believe that officiating and registering Islamic marriage has become a necessity these days to safeguard the rights of spouses specially women as well as children. We are noticing countless cases of abandoned wives and children. We consider taking disciplinary measures to protect the abandoned wives as a necessary step.”
Such a clear and stark directive from Egypt’s primary source of religious authority cannot be taken lightly. Urgent measures must be introduced to protect Muslim women in Shariacompliant marriages.

I would be very grateful if you could respond to the Grand Mufti’s statement, which is deserving of a meaningful and rapid response from the UK Government. I would also be grateful for an assurance that you will ‘take on’ this issue – without further delay – by supporting my Private Members’ Bill designed to enshrine the rights of Muslim women who do not have the protection of legal marriage.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, stylized capital letter 'C' followed by the name 'Caroline' in a cursive script.