

## Special Inquiry Committee

Proposal for 2022: Islamic marriage and divorce in England and Wales

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### Name of member of the House making the proposal

Baroness Cox

### Focus

Gender equality

### Description of the proposal

An inquiry into the problems experienced by Muslim women in unregistered marriages, who find upon divorce or the death of their 'husband' they have limited rights.

### Background

An estimated 100,000 women are married in Islamic ceremonies but are not married under English law. Many suffer grave disadvantages because they lack legal protection. What is more, they can be unaware that their marriage is not officially recognised.

Since 2011, I have introduced numerous Private Member's Bills to draw attention to this issue. The need for legislative reform is also emphasised by campaign organisations Equal and Free ([www.equalandfree.org](http://www.equalandfree.org)) and Register our Marriage ([www.registerourmarriage.org](http://www.registerourmarriage.org)) and in several high-level reports:

- The Casey Review, Paragraph 8.50, December 2016: "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."
- Independent Review into the Application of Sharia Law, February 2018: "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."
- Parliamentary Assembly of the Council of Europe, Resolution 2253, January 2019: "[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."
- Civitas Report, 'Fallen Through The Cracks', August 2020: "[We recommend] amending current legislation to make mandatory the registration of all religious marriages in the United

Kingdom, in line with the proposals of the Marriage Act 1949 (Amendment) Bill.”

The Government responded to escalating concerns by committing in 2018 to “explore the legal and practical challenges of limited reform relating to the law on marriage and religious weddings”, following which the Law Commission launched a consultation on proposals to modernise and improve weddings law.

To date, however, the Government has ensured no meaningful action.

**What would the inquiry be trying to achieve?**

There are increasing concerns that, due to the Government’s failure to act in this area, many Muslim women continue to suffer from systematic gender discrimination. The inquiry will act as a catalyst for much-needed legislative and policy change, with a focus on simplifying weddings law to benefit Muslim women. It will represent an important opportunity for redress for vulnerable Muslim women, some of whom are suicidal because they have unequal rights and/or are so ostracised by their community.

**How does the proposal make best use of the knowledge and experience of Members of the House?**

Many members of the House have great legal and professional knowledge and experience of addressing issues relating to gender discrimination, the operation of arbitration/mediation tribunals (including Sharia councils, where many Islamic wedding ceremonies take place), the complexities of weddings law, support for victims of abuse, and appropriate statutory responses.

**How does the proposal address areas of policy that cross departmental boundaries?**

The investigation, analysis and findings relate to the Home Office, Ministry of Justice and the government’s Equalities Office.

**Is the proposed special inquiry committee capable of being completed in one year or less?**

Yes.

**If you have any relevant interests that relate to your proposal please can you list them below.**

I am secretary of the APPG on ‘Honour’-Based Abuse, which has heard numerous testimonies from Muslim women in religious-only marriages.

My Private Member’s Bill [Marriage Act 1949 (Amendment) Bill] seeks to ensure greater legal protections for married, divorced or widowed Muslim women. Its provisions require a religious marriage to be civilly registered before or at the same time as the religious ceremony.

My previous Private Member’s Bill [Arbitration and Mediation Services] placed a duty on public

bodies to ensure that couples in religious-only marriages are made aware of their (lack of) legal rights under English law. The Bill was introduced in six consecutive Parliamentary Sessions and received three Second Reading debates in the House of Lords, with widespread cross-party support.

The above Bills are strongly supported by many organisations concerned with the suffering of vulnerable women, including Equal and Free, Karma Nirvana, the Council for Muslims Facing Tomorrow, British Arabs Supporting Universal Women's Rights (Basira) and the Muslim Women's Advisory Council.