

Special Inquiry Committee

Proposal for 2020-21: The problem of 'marriages' that are not marriages

Name of members of the House making the proposal

1. Baroness Cox (Crossbench)
2. Lord Dholakia (Liberal Democrat)
3. Lord Carlile of Berriew (Crossbench)
4. Lord Singh of Wimbledon (Crossbench)
5. Lord Desai (Labour)
6. Baroness Deech (Crossbench)
7. Viscount Bridgeman (Conservative)
8. Baroness Massey of Darwen (Labour)
9. Lord Green of Deddington (Crossbench)
10. Baroness O'Loan (Crossbench)
11. Lord Tebbit (Conservative)
12. Lord Rowe-Beddoe (Crossbench)
13. Lord Vinson (Conservative)
14. Lord Carey of Clifton (Crossbench)
15. Baroness Finlay of Llandaff (Crossbench)
16. Baroness Eaton (Conservative)
17. Baroness Lister of Burtsett (Labour)
18. Lord Kalms (Non-affiliated)
19. Baroness Corston (Labour)

Focus

Gender equality

Description of the proposal

An inquiry into the problems experienced by women in polygamous households or those who have had a religious-only marriage, to find upon divorce they have little to no rights in terms of finance, property or child custody.

Background

Women who are married in Islamic ceremonies but are not married under English law can suffer grave disadvantages because they lack legal protection.¹ What is more, they can be unaware that their marriage is not officially recognised.

¹ See, for example, the widely-reported court judgment on 14 February 2020, which ruled that a couple's Islamic marriage was 'invalid' under English marriage law.

The situation was highlighted in a *Channel 4* survey, which found that 6 in 10 Muslim women who have had traditional Islamic weddings in Britain are not legally married. Of these, over a quarter (28 per cent) are not aware that they do not have the same rights as they would have with a legally-recognised marriage.²

A separate study by the Muslim women's group *Aurat: Supporting Women* highlighted cases of women in Britain living in polygamous marriages. The evidence for its findings was drawn from 50 case studies of Muslim women living in the West Midlands. Two thirds of those who identified as being married said their 'husband' had more than one 'wife'.³

The reports' findings are all the more alarming when it is considered that as many as 100,000 couples in Britain are estimated to be living in Islamic marriages not recognised by English law.⁴

For more information, see the House of Commons Library Briefing 'Islamic marriage and divorce in England and Wales', November 2019.

What would the inquiry be trying to achieve?

We are fortunate to live in a democracy that enshrines the principle of equality before the law and is committed to the promotion of gender equality. However, there are increasing concerns that – because of the Government's failure to act in this area – many women continue to suffer from systematic gender discrimination.

Our hope is that the inquiry will act as a catalyst for much needed legislative and policy change. It offers an important opportunity for redress for vulnerable Muslim women, some of whom are suicidal because they have unequal rights and 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, arbitration and mediation services, 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.

The inquiry would consider recommendations of: the Parliamentary Assembly of the Council of Europe (Resolution 2253, January 2019); the Integrated Communities Strategy Green Paper (March

² The Channel 4 survey was carried out by 20 Muslim female community researchers between December 2016 and September 2017, using a mix of face to face and phone interviews. Data were tabulated by ICM analysed from the responses of 923 participants from 14 cities across Britain.

³ Jaan, H, *Equal and Free? 50 Muslim Women's Experiences of Marriage in Britain Today*, Aurat: Supporting Women

⁴ *The Times*, 3 July 2015

2018); the Independent Review into the Application of Sharia Law in England and Wales (February 2018); and the Casey Review (December 2016).

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.

Baroness Cox and Lord Dholakia are officers of the APPG on 'Honour'-Based Abuse, which has heard numerous testimonies from Muslim women in religious-only marriages.

Baroness Cox's current Private Member's Bill [Marriage Act 1949 (Amendment) Bill] seeks to protect Muslim women in religious-only marriages. Its provisions create an offence of purporting to solemnise an unregistered marriage.

Baroness Cox's 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.⁵

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

⁵ House of Lords, Hansard, 27 January 2017; 23 October 2015; 19 October 2012